EXHIBIT A

Docket No.: 023004.0103X1US (PATENT)

Examiner: B. M. Celsa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reexamination Application of: Michael W. Graham et al.

Application No.: 90/007247

07247 Confirmation No.: 6310

Filed: October 4, 2004 Art Unit: 1639

For GENETIC CONSTRUCTS FOR DELAYING OR REPRESSING THE EXPRESSION OF A

TARGET GENE

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DECLARATION UNDER 37 C.F.R. § 1.131

Customer Window, MS Amendment U.S. Patent and Trademark Office Randolph Building 401 Dulany Street Alexandria, Virginia 22314

Dear Sir:

- I, Michael Graham, Ph.D., declare as follows:
- 1. I am a named inventor of the subject matter in the above-identified reexamination. I am a resident and citizen of Australia. During the period of December 1997 through the filing of the priority document for the patent under reexamination, I was a research scientist in Australia. During this period Robert Rice and Margaret Bernard were under my direction and supervision.
- 2. I have reviewed the above-identified reexamination, including the present claims. As I understand it, the presently claimed subject matter is generally directed to genetic constructs that are capable of delaying, repressing or otherwise reducing the expression of a target gene in an animal cell, as well as methods for using these constructs and animal cells comprising these constructs. I understand that the presently claimed constructs comprise at least one structural gene sequence placed operably in a sense orientation under the control of a

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promoter and at least one structural gene sequence placed operably in an antisense orientation under the control of a promoter, where the structural gene sequences comprise a nucleotide sequence which is substantially identical to at least a region of a target gene, and where

- a. the multiple structural gene sequences are placed operably under the control of a single promoter sequence, where optionally the structural gene sequences in sense and antisense orientations are spaced from each other by a nucleic acid stuffer fragment; or
- b. the structural gene sequences in sense and antisense orientations are each placed operably under the control of individual promoter sequences.
- I am aware of the rejections issued in an Office Action mailed January 24, 2007, in the pending reexamination. I understand that a rejection in the Office Action was based on the teachings of Fire U.S. Patent No. 6,506,559 (the "Fire reference"). The Fire reference was filed in late 1998, and claims priority to U.S. Serial No. 60/068,562 (the "Fire priority application") filed December 23, 1997, less than a year before the effective filing date of the patent under reexamination in the United States. It is my understanding that to show prior invention, the Examiner is requiring that I provide evidence of conception prior to the date of filing of the Fire priority application and then the Examiner is requiring that I show diligence from just before the filing date until reduction to practice or constructive reduction to practice of my own invention.
- 4. Exhibit 1 is a copy of laboratory notebook pages showing my preliminary work in plants. My early work on genetic constructs for reducing expression of a target gene was in plants and I spent significant amounts of time trying to produce such constructs. I consider this work important to my present invention because the layout of the constructs in plants was the basis for my later attempt in animals. This Exhibit was previously submitted in the June 12, 2006, 37 C.F.R. § 1.131 declaration. I conceived the subject matter of the presently claimed invention prior to December 23, 1997. Evidence for conception before the date of the Fire priority application includes laboratory notebook pages 107 108, which show one

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of my first attempts to make a genetic construct which was designed to express both sense and antisense RNAs from multiple copies of a nucleotide sequence under the control of a promoter. Page 108 in particular shows my drawing of a "Hairpin GUS" construct that includes two copies of a structural gene sequence in the antisense and sense orientation, expression of which was driven by a single promoter. Laboratory notebook pages 110 - 121 show my additional experiments to build constructs with structural gene sequences in a sense and antisense orientation. Laboratory notebook pages 130 - 32 show experiments where I attempted to make expression cassettes containing two promoters designed to express separate sense and antisense RNAs. Laboratory notebook pages 138, 145, 147, 150, 151, 159, 169, 175, 181-192, 206, 216, 229 and 266 show experiments where I continued to try and create genetic constructs expressing separate sense and antisense RNAs. Laboratory notebook pages 138, 145, 150, 153, 158, 165, 168, 172, 175, 182, 185, 195, 197, 198, 200, 210, 227, 229, 240 and 254 show experiments where I developed constructs in which the structural genes were orientated in a sense and antisense orientation, some of which were controlled by separate promoters. I understand that this is evidence of a conception of genetic constructs of the same type as those of the claimed invention earlier than the priority date of Fire rather than the earliest conception of the claimed invention, which occurred before these notebook entries.

5. Further evidence of conception before the date of the Fire priority application includes the June 6, 1994 letter from CSIRO to John Slattery, as indicated in Exhibit 2. This Exhibit was previously submitted in the June 12, 2006, 37 C.F.R. § 1.131 declaration. In this letter, my employer at the time, CSIRO, requested from Mr. Slattery an opinion on the patentability of my new constructs that I believed would "be useful in mammalian systems", as I indicated on the last page of the attachment. Attached to the letter is my idea to create constructs such as the subject matter in the above-identified reexamination. For instance, the second figure, Case 2, is a construct comprising a single promoter that transcribes two structural gene sequences in an inverted repeat to form a transcript with a "hairpin" structure, where the inverted repeat is not separated by a stuffer fragment. This figure shows my idea of making a construct like the construct of Claim 3. The third figure, Case 3, is a construct comprising two copies of a structural gene sequence, where one copy is placed operably in the sense

orientation under the control of an individual promoter and the other copy is placed operably in the antisense orientation under the control of a separate promoter. Case 3 therefore shows my idea of making the construct of Claim 4 and indicates I had conceived of this invention on or before June 6, 1994.

- 6. Exhibit 3 is an early outline for a provisional patent application which I prepared on August 8, 1995. In this draft, I discuss decreasing gene expression in animals by use of novel transgene designs. This Exhibit was previously submitted in the June 12, 2006 37 C.F.R. § 1.131 declaration.
- 7. Exhibit 4 is a draft of an unpublished manuscript which I prepared on June 21, 1996. This Exhibit was previously submitted in the June 12, 2006, 37 C.F.R. § 1.131 declaration. I prepared this article for publication in a journal to try and demonstrate the widespread existence of an RNA degradative system in plants and other organisms based on a reinterpretation of the literature that existed at that time. While genetic constructs were not described in this document, their development was based on ideas presented therein, specifically I wished to design constructs to switch this RNA degradative system on more efficiently in transgenic organisms. I discussed evidence that this RNA degradative system existed in animals in the section titled "Post-transcriptional gene inactivation in other taxa" and believe this document demonstrates my thinking at that time, namely the types of constructs that might work in plants would also work in animals.
- 8. Exhibit 5 is a draft of a proposal I prepared on November 29, 1996, proposing that genetic constructs for gene silencing would prove effective in animals. This proposal was important because budgetary limits at Benitec (then called Ag-Gene and my employer at that time) inhibited my ability to conduct all of the research I intended for target gene inactivation. In this proposal, I discuss the genetic constructs I previously created for plants and how I wanted to create "multiple gene constructs, the use of direct and inverted sequences and the design and use of RNA stabilizing sequences" to decrease gene expression in animals. When our funding increased, we promptly hired Robert Ricc to work on post-transcriptional gene silencing in animal cells.

- 9. Exhibit 6 shows further evidence of my conception before the date of the Fire priority application. This Exhibit was previously submitted in the June 12, 2006, 37 C.F.R. § 1.131 declaration. Laboratory notebook pages 52 55, which are from May 1997, show how I conceived a genetic construct design to express hairpin RNAs where the construct had a stuffer fragment inserted between the two copies of the nucleotide sequence, where one of the sequences was in a sense orientation and the other sequence was in an antisense orientation relative to the promoter. I consider this Exhibit important because previously I had difficulty creating inverted repeat constructs without a stuffer fragment due to instability of such constructs in E. coli. The insertion of the stuffer fragment between the inverted repeat sequences allowed me to readily make such constructs, and as such I planned to incorporate this idea into the genetic constructs for reducing expression of animal genes. Thus, compared to constructs without a stuffer fragment, the inverted repeat constructs with a stuffer fragment were superior.
- 10. I understand the Examiner would like to see the diligence to reduce my invention to practice between the Fire priority date of December 23, 1997, and the '099 patent priority date of March 20, 1998. As such, I detail below the events that occurred. To assist the Examiner, I also include a calendar of December 1997, and January March 1998.

December 1997

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- 11. When Ag-Gene funding increased in late 1997, we promptly pursued hiring Robert Rice to work on preparing gene constructs for gene silencing in animal cells, corresponding to the designs I had conceived. From what I recall, we at Ag-Gene started discussing hiring Dr. Rice in October 1997. We wanted to work with Dr. Rice because he had extensive experience in a range of molecular biological techniques and plasmid design and construction. Dr. Rice's thesis topic was enkaryotic evolution and studying enkaryotic divergence using ribosomal RNA sequence data and secondary structure remodeling. As such, Dr. Rice also had experience with use of computers for systematic / bioinformatics analysis of DNA / RNA sequences.
- 12. On December 8, 1997, I decided to target the polymerase gene of the bovine enterovirus (BEV) as an exemplary target gene in animal cells. This gene was chosen because it could be easily determined whether the expression of constructs based on the gene had an effect on viral replication in animal cells. Specifically, since infection of Mabin Darby (MDBK) cells with BEV normally kills them, we could therefore determine whether expression of constructs in transformed cells might inhibit viral replication simply by determining whether such transformed cells show prolonged survival following challenge with the virus under standardised conditions. Further, we knew that the BEV polymerase may be amplified using the polymerase chain reaction or alternatively, isolated using standard hybridisation techniques. With the assistance of Margaret Bernard ("Ms. Bernard"), I printed out the sequence of the polymerase gene of BEV, see Exhibit 7, page 2. (indicating the sequence was

printed at 3:13pm on December 8, 1997). Again with the assistance of Ms. Bernard, I designed a pair of oligonucleotide primers to amplify a region of the BEV gene. These primers, designated BEV-1 and BEV-2 (pages 2-3 of Exhibit 7) were ordered by Ms. Bernard from a commercial supplier under my instruction on December 9, 1997. (See, Id. at 1, lower entry: the notation the primers were ordered December 9, 1998 is in error; they were ordered December 9, 1997 as evidenced by their entry on the notebook page of December 9, 1997 and their use on January 6, 1998). These primers were available for use by Ms. Bernard on January 6, 1998. We continued with BEV as a target gene all the way to actually practicing the invention, as can be seen in the figures in the patent application that we filed.

- 13. On or about December 8, 1997, I mentioned to Ms. Bernard that as soon as possible she would be devoting a greater amount of her time for work on a project with the new Research Scientist, Dr. Rice, in preparing the gene constructs for the animal target gene, in particular the constructs targeting BEV.
- 14. Dr. Rice arrived to commence employment on the "animal project" on December 21, 1997. On that day or the day after, I met with Dr. Rice and described to him in detail the types of constructs that I had envisaged for reducing expression of a target gene. The first type of construct was an inverted palindrome construct without a stuffer fragment. Claim 3 of my patent under this reexamination is to the inverted palindrome construct without the stuffer fragment and claim 7 is to a method of using the construct. The second type of construct was an inverted palindrome construct with a stuffer fragment. Claim 5 is to the inverted palindrome construct with the stuffer fragment and claim 9 is to a method of using the construct. Finally, I wanted to make a construct with two copies of a gene sequence where each copy was under the control of a separate promoter. Claim 4 is to this type of construct and claim 10 is to a method of using this construct. On the days following, I had further discussions with Dr. Rice about these types of constructs.
- 15. The laboratory facilities of Ag-Gene were located at the Queensland Agricultural Biotechnology Centre (QABC), an operational centre of the Queensland State Government's Department of Primary Industries. The Queensland State Government provided paid leave

for Christmas day (December 25), Boxing Day (December 26) and New Year's Day (January 1). Further, the Queensland State Government mandated that all State Government employees do not work on the days between December 26 and January 1. As such, the QABC laboratories and offices were closed from December 25, 1997 to January 1, 1998.

- 16. Dr. Rice and I met several times between December 21, 1997 and mid-January 1998 to discuss cosuppression in animal cells and the types of DNA constructs we wanted to prepare. We decided to build a range of constructs with the following structures: linear repeats, that is constructs containing a block of repeated DNA sequences in sense or in an antisense orientation; inverted repeats, that is constructs containing two inverted DNA sequences either with or without a DNA spacer sequence inserted between the inverted sequences; and a construct with two promoters expressing a sequence in the sense and antisense format.
- 17. From January 1998 to March 1998, Dr. Rice designed approximately 40 plasmid constructs. Exhibit 8 contains approximately 35 plasmid constructs he designed, most of which are also found as figures of the '099 patent.
- 18. When Ms. Bernard returned from her Christmas vacation on January 5 or 6, 1998, Dr. Rice and I informed her that we wanted her to prepare certain BEV constructs. We described the kind of constructs we wanted, namely the three constructs discussed above in paragraph 14. Ms. Bernard, with my assistance, was to start preparing the BEV constructs. See, Exhibit 7 at page 1. In the meantime, Dr. Rice was to use a computer program to design further genetic constructs. Dr. Rice and I explained to Ms. Bernard that the overall aims of the experiments were to "use Bovine enterovirus as a model system to study cosuppression in mammalian cells," which Ms. Bernard recorded in her laboratory notebook at page 2. Ms. Bernard took further notes from our talk, writing down the polymerase gene from BEV was to be used as the sequence for the animal constructs. Id. Ms. Bernard states in her notes that once the constructs were prepared, she was going to "transfect mammalian cell line with constructs, probably using the Mabin Darby Bovine Kidney (MDBK) endothelial cell line." Id. The cells would then be challenged with BEV. Id. Ms. Bernard then describes the initial constructs. Id.

- 19. The first construct to be made was a BEV polymerase-GFP gene fusion in the vector pEGFP-N1. Id. In this arrangement, the CMV promoter of pEGFP-N1 lay upstream of the BEV sequence, while the EGFP sequence was placed downstream of and joined to the BEV sequence. Both the BEV and EGFP sequences were designed to be transcribed conjointly by the CMV promoter. The GFP domain was to be used as a marker to indicate BEV-pol positive cells lines and determine whether cosuppression could be detected by transient transfection of BEV-pol positive cells with GFP cDNA. The next construct was similar to the BEV polymerase-GFP fusion construct above, except that the EGFP sequences would be removed and only the BEV sequence would be transcribed from the CMV promoter. Id. The next construct describes the use of double promoter constructs (i.e., having two promoters) with the BEV sequence being expressed in sense and antisense format.
- 20. The January 7, 1998 entry demonstrates Ms. Bernard was cloning the BEV polymerase gene into the carrier plasmid vector pCR2.1. Id. at pages 2 7. I planned to have her to clone the BEV polymerase gene into pCR2.1, which was the first step of making the BEV polymerase-GFP fusion in the vector pEGFP-N1. Once the BEV polymerase-GFP fusion was in the pEGFP-N1 vector, we planned to use a BgIII/BamH1 cloning strategy that would result in two alternative fusion constructs where the BEV gene sequence would be cloned in the sense or antisense orientation. Dr. Rice and I believed that once we had the two fusion constructs, we could easily insert the second copy of the BEV gene sequence in the sense and/or antisense orientation into the constructs. This was an element in making the constructs we later claimed in the '099 patent.
- 21. The primers BEV-1 and BEV-2 were used to PCR amplify the BEV polymerase gene sequence, corresponding to a DNA fragment of about 1.4 kilobases. We then cloned the PCR product into the pCR 2.1 plasmid vector. *Id.*
- 22. The January 8, 1998 entry demonstrates Ms. Bernard continued the work of January 7, 1998. Id. at page 8.

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- 23. The January 9, 1998 entry demonstrates Ms. Bernard continued the work of January 7, 1998. *Id.* at pages 8-9.
 - 24. January 10, 1998 was a Saturday and the laboratory was closed.
- 25. The January 11 and 12, 1998 entry demonstrates Ms. Bernard took steps to grow the clones obtained for the invention. *Id.* at page 9.
- 26. The January 13, 1998 entry demonstrates Ms. Bernard took further steps to clone BEV into the PCR2.1 and pEGFP. *Id.* at page 10. Further, Ms. Bernard describes how she validated the successful cloning of the BEV polymerase gene sequence into pCR2.1 and confirmed this by endonuclease restriction mapping. *Id.*
- 27. The January 14 16, 1998 entry demonstrates Ms. Bernard took steps to the make the BEV polymerase-GFP fusion in the vector pEGFP-N1. *Id.* at pages 11 14. Specifically, Ms. Bernard used a *BgIII/Bam*H1 cloning strategy that resulted in two alternative fusion constructs where the BEV gene sequence was cloned in the sense or antisense orientation. *Id.* As previously mentioned, the BgIII/BamH1 cloning strategy that results in two fusion constructs which could be used to easily insert the BEV gene sequence in the sense and/or antisense direction into other constructs.
- 28. January 17 18, 1998 was a Saturday and Sunday and the laboratory was closed.
- 29. The January 19-20, 1998 entry demonstrates Ms. Bernard continued the work of January 14-16, 1998. *Id.* at pages 14-16.
- 30. The January 21-23, 1998 entry demonstrates Ms. Bernard used PCR to check for the presence of the BEV insert. *Id.* at pages 16-19. Ms. Bernard drew three diagrams depicting the location of the primers and the expected orientation of the BEV DNA sequence for each PCR product. *Id.* Unfortunately, Ms. Bernard encountered problems and the results were not as expected. *Id.* at page 17. We discussed the matter and agreed that she should try to clone the BEV polymerase gene sequence into the pEGFP-N1 again.

- 31. The January 21, 1998 entry demonstrates Dr. Rice used a software program to finalize his computer designs of pCR.Bgl.GFP.Bam, pCMV. Virus and pCR2.1, which I believed important to continue development. See, Exhibit 8 at pages 1-3.
- 32. As the January 22, 1998 entry demonstrates, Dr. Rice finalized the designs of the constructs pCMV.BEV.2, pCMV.BEVnt, pCMV.BEV.GFP.VEB, pCMV.VEB, pEGFP.BEV.1, pCMV.BEV.VEB, and pCMV.BEVx2 which I believed important to continue development of the invention. See, Exhibit 8 at pages 4 10. Dr. Rice and I were pleased with these designs. The idea we had was that once Ms. Bernard cloned the BEV polymerase gene sequence into the pEGFP-N1, we could construct pCR.BEV.2. Construction of the pCR.BEV.2 was important to reducing the invention to practice because it could be used to form the constructs we had conceived corresponding to our claims.
- 33. For example, in one plan we wanted to sub-clone the BEV sequence from the pCR BEV.2 in the antisense orientation, thus producing the plasmid, pCMV.BEV.VEB. The pCMV.BEV.VEB construct comprises an inverted palindrome of BEV under the control of one promoter. As such, this construct would fall within at least claim 3. This construct is also presented schematically as Figure 14 of the '099 patent. We also wanted to make the above plasmid pCMV.BEV.GFP.VEB. This plasmid comprises an inverted palindrome of the BEV sequence under the control of one promoter with GFP as a stuffer fragment. As such, this construct would fall within at least claim 5. To make this plasmid, we would subclone the GFP from pCR.Bgl.GFP.Bam into pCMV.BEV.2 to produce pCMV.BEV.GFP. We then planned to insert the second BEV sequence in an antisense orientation. The resulting plasmid, pCMV.BEV.GFP.VHB, is presented schematically as Figure 15 of the '099 patent.
- 34. January 24 and 25, 1998 was a Saturday and Sunday and the laboratory was closed.
- 35. The January 26 28, 1998 entry demonstrates Ms. Bernard again attempted to clone the BEV polymerase gene sequence into pEGFP-N1. Exhibit 7 at pages 20 24.
- 36. From January 29 February 1, 1998, the transformed cells were allowed to grow.

- 37. The February 2, 1998 entry demonstrates that the results of the transformation were analyzed and new ligations were set up. *Id.* at pages 25 26. Ms. Bernard again encountered problems. As page 25 of Ms. Bernard's notebook indicated, I discussed the results with her, and recommended she try again but instead amend the method. As such, Ms. Bernard again set up experiments to clone the BEV polymerase gene sequence into pEGFP-N1. *Id.* at page 26.
- 38. Ms. Bernard allowed the DHSa chemically competent cell grow on February 3, 1998. Id. at page 37.
- 39. The February 4-6, 1998 entry demonstrates ligations were transformed into the DHS α chemically competent cells. *Id.* at pages 27-30. The transformants were then PCR screened. *Id.* at page 30.
- 40. February 7, 1998 was a Saturday and the laboratory was closed.
- 41. The February 8 11, 1998 entry demonstrates Ms. Bernard's experiments continued. Id. at pages 31 36. We were pleased to find that Ms. Bernard succeeded in obtaining a fusion clone. Id. at page 33. As such, Ms. Bernard went on to sequence the fusion clone to confirm the sequence was in the clone. Id. at page 36. Further, Ms. Bernard hand drew a diagram depicting the location of the primers and expected orientation of the BEV-GFP sequence. Id.
- 42. February 14 15 was a Saturday and Sunday and the laboratory was closed.
- 43. Now that we had prepared the fusion clone, we were ready to take the next step. The February 17, 1998 entry demonstrates Ms. Bernard started cloning four new constructs, namely the constructs pCR.BEV.2, pCR.BEV.3, pCR.BamGFPBgIII, and pCMV cass. Id. at pages 37 39. pCR.BEV2 was a construct comprising BEV-pol that could later be used to prepare expression constructs in a sense orientation, or alternatively in an antisense orientation. As previously stated, pCR.BEV2 was an element of reducing the invention to practice because it could be used to form the constructs of our claims, including the

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pCMV.BEV.VEB construct which comprises an inverted palindrome of BEV under the control of one promoter. The pCMV.BEV.VEB construct falls within at least claim 3. This construct is also Figure 14 of the '099 patent. pCR.BEV2 was also used to make the plasmid pCMV.BEV.GFP.VEB, which contained an inverted palindrome of BEV under the control of one promoter with GFP as a stuffer fragment. As such, this construct would fall within at least claim 5. Ms. Bernard also started to clone pCR.BEV3, a construct comprising an untranslatable BEV-pol. Ms. Bernard also started to clone pCRBamGFPBgIII, which is a construct comprising a stuffer for use in interrupting BEV-pol sense and BEV-pol antisense in a hairpin construct. The EGFP sequence was selected as a stuffer because it would be useful for determining whether the stuffer could mediate post transcriptional gene silencing. The GFP is flanked by the BamH1 and BgIII restriction sites, so the GFP would be easy to remove. We planned to use this in our constructs that contained an inverted palindrome with a stuffer, such as pCMV.BEV.GFP.VEB discussed above. Ms. Bernard also started to clone pCMV.cass, which is plasmid pEGFP-N1 except that the EGFP gene sequence has been removed. We chose pCMV cass as a basic plasmid expression cassette for future clones, and to later make constructs such as pCMV.BEV.SV40L.VEB, which comprises a BEV polymerase placed in the sense orientation to one promoter and another BEV polymerase placed in the antisense orientation to another promoter.

- 44. The February 18-20, 1998 entry demonstrates Ms. Bernard continued her work toward making a BEV polymerase-GFP fusion construct. *Id.* at pages 40-41.
- 45. February 21 and 22 were Saturday and Sunday and the laboratory was closed.
- 46. The February 23 24, 1998 entry demonstrates Ms. Bernard continued the experiments of the previous week. *Id.* at pages 42 45. Notably, she identifies the putative fusion clone (#61). *Id.* at page 44.
- 47. The February 25, 1998 entry demonstrates Dr. Rice designed the construct of pCMV.Lac, the diagram of which is figure 25 of the '099 patent. Exhibit 8 at page 11. Dr. Rice also designed the construct of pCMV.LAC1.pla. *Id.* at page 12.

- 48. On February 26, 1998, under my and Dr. Rice's direction, Ms. Bernard started to clone pCR.BEV2, pCR.BEV3 and pCR.BamGFPBgl by setting up PCR to amplify fragments for the new constructs. Exhibit 7 at page 46. As previously mentioned, I wanted to obtain pCR.BEV2 to make the constructs of our claims, including the plasmid pCMV.BEV.VEB construct, which comprises an inverted palindrome of BEV under the control of one promoter, and the plasmid pCMV.BEV.GFP.VEB, which contained an inverted palindrome of BEV under the control of one promoter with GFP as a stuffer fragment. These constructs correspond to at least claims 3 and 5, respectively.
- 49. On this same day, Dr. Rice designed the construct of pCMVLac1.OPRSV1.casa, the diagram of which is Figure 26 of the '099 patent. Exhibit 8 at page 13. On this same day Dr. Rice also designed the construct of pCMVLac1.OPRSVL.GFP. *Id.* at page 14.
- 50. The February 27, 1998 entry demonstrates Ms. Bernard continued her cloning of pCR.BEV2, pCR.BEV3 and pCR.BamGFPBgl. Exhibit 7 at page 47. On this same day, Dr. Rice designed the constructs of pCMVLac1.OPRSV1.GFP.cass and pCMV.TYRLIB, the diagrams of which are figures 27 and 24, respectively, of the '099 patent. Exhibit 8 at pages 15 16. Dr. Rice also designed the construct pCMVLac.OPRSVL.GFP.TYR. Id. at page 17.
- 51. February 28 and March 1, 1998 were Saturday and Sunday and the laboratory was closed.
- 52. The March 2, 1998 entry demonstrates Ms. Bernard continued her work to clone the constructs of pCR.BEV2, pCR.BEV3 and pCR.BamGFPBgl. Exhibit 7 at page 48. On this same day, Dr. Rice designed the construct of pCMV.TYR, the diagram of which is figure 23 of the '099 patent. Exhibit 8 at page 18.
- 53. The March 3-5, 1998 entry demonstrates Ms. Bernard continued her work to clone the constructs of pCR.BEV2, pCR.BEV3 and pCR.BamGFPBgl. Exhibit 7 at pages 49-52. Notably, Ms. Bernard confirmed the sequence of the clone on page 50 of the laboratory notebook and the PCR screened the clones on page 51-52.

- 54. The March 5, 1998 entry demonstrates Dr. Rice designed the constructs of pCMV.O.SV40L.BEV, pCMV.O.SV40L.VEB, pCMV.BEV.SV40L.O, pCMV.BEV.SV40L.R, pCR.BEV.1, pCR.BEV.2, pCR.BEV.3, pCR.SV40L, the diagrams of which are figures 17, 18, 16, 22, 6 8 and 4, respectively, of the '099 patent. Exhibit 8 at pages 19 22, 24 29. On this same day, Dr. Rice also designed the construct of pCR.Bgl.GFP.Bam. *Id.* at page 23.
- 55. The March 6, 1998 entry demonstrates Ms. Bernard ligated the amplified fragment into pPCR 2.1 to obtain pPCR2.1 EGFP. Exhibit 7 at pages 53 54. This was then cut with BarnHI and BgIII to provide a fragment, that was used to prepare a hairpin construct pBEV2.EGFP.VEB2.
- 56. On this same day, Dr. Rice designed the constructs of pCMV.cass, pCMV.SV40L.cass, pCMV.SV40LR.cass, pCMV.BEV.SV40L.BEV, pCMV.BEV.SV40L.VEB, the diagrams of which are figures 2, 5, 21, 19, and 20, respectively, of the '099 patent. Exhibit 8 at pages 29 33. On this same day, Rice also designed the construct of pCMV.BEV.SV40L.R.cass, pEGFP.N1MCS. *Id.* at page 34.
- 57. We were excited about the design of the plasmid pCMV.BEV.SV40L.VEB because this plasmid comprises a BEV polymerase placed in the sense orientation to one promoter and another BEV polymerase placed in the antisense orientation to another promoter. This plasmid therefore is an isolated construct of at least claim 4, and indeed corresponds to Figure 20 of the '099 patent. To make this construct, we planned to make a pCMV.SV40L.cass plasmid by sub cloning pCR.SV40L into pCMV.cass, and then insert the BEV polymerase from Ma. Bernard's pCR.BEV.2 into the sense orientation to make pCMV.BEV.SV40L.O. The BEV polymerase from pCR.BEV.2 would then sub cloned into the antisense orientation into the pCMV.BEV.SV40L.O to make pCMV.BEV.SV40L.VEB.
- 58. In anticipation of making the pCMV.BEV.SV40L.VEB clone, on March 18, Ms. Bernard started preparing the pCMV.cass construct. Exhibit 7 at page 66.
- 59. March 7 8, 1998 was a Saturday and Sunday and the laboratory was closed.

- 60. The March 9 11, 1998 entry demonstrates Ms. Bernard prepared larger amounts of DNA for mammalian cell transfections, including pEGFP.BEV1 and pEGFP-N1. Exhibit 7 at pages 55 60. Further, the MDBK cells were split in preparation for transformation on Monday, March 9, 1998. Exhibit 9 at page 1.
- 61. The March 11, 1998 entry demonstrates I transfected Mabin Darby Bovine Kidney (MDBK) endothelial cells with the pEGFP.BEV.1 constructs. Exhibit 9 at pages 1-2.
- 62. The March 12 13, 1998 entry demonstrates Ms. Bernard and I continued our respective experiments. Id. at 3; exhibit 7 at pages 61 62.
- 63. March 14-15, 1998 were a Saturday and Sunday and the laboratory was closed.
- 64. The March 16, 1998 entry demonstrates Ms. Bernard obtained the putative clones for pCR.BEV2 and pCR.BEV3. Exhibit 7 at page 63. On this day, I continued my transfection experiment. Exhibit 9 at page 3.
- 65. The March 17, 1998 entry demonstrates Ms. Bernard confirmed the clones had the proper insert. Exhibit 7 at page 64. As Ms. Bernard stated, the next experiments were to sequence clones with universal forward and reverse primers. *Id.* On this same day, I conducted kill curves for the Mabin Darby Bovine Kidney cells and started selection of constructs. Exhibit 9 at page 4.
- 66. From March 18 19, 1998, Ms. Bernard confirmed the pCR.BEV2 and pCR.BEV3 clones by sequencing. Exhibit 7 at page 67. Further, Ms. Bernard prepared the pCMV.cass construct. *Id.* at pages 65 66, 68.
- 67. The March 20, 1998 entry demonstrates Ms. Bernard continued with transformation of colonies. *Id.* at page 68. The expression cassette pCMV.cass was later confirmed by sequencing. On this same day, I continued my kidney cell transfection experiments. Exhibit 9 at page 5.

Application No. 90/007247 Amendment dated April 24, 2007 Reply to Office Action of January 24, 2007

Docket No.: 023004.0103X1US

- 68. After this reduction to practice, I filed a patent application in Australia that was the basis for and was claimed as priority by the patent under reexamination.
- 69. I declare that all statements made of my own knowledge are true and all statements made on information and belief I believed to be true. I make this declaration with the understanding that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the patent.

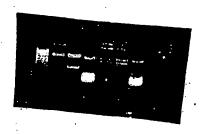
Michael Graham

April 24, 2007

Date

EXHIBIT 1

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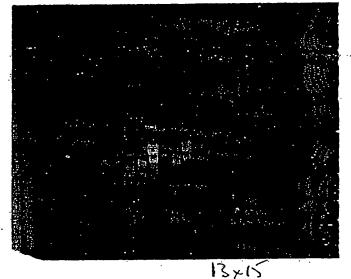
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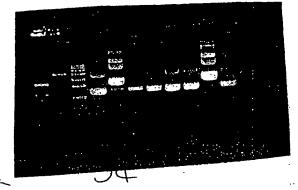
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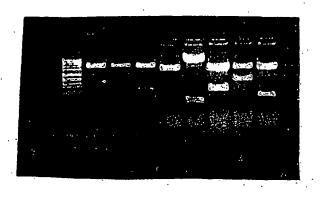
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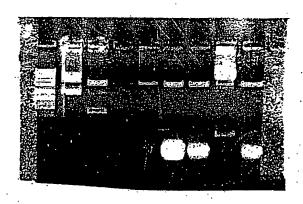
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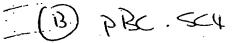
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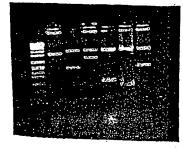
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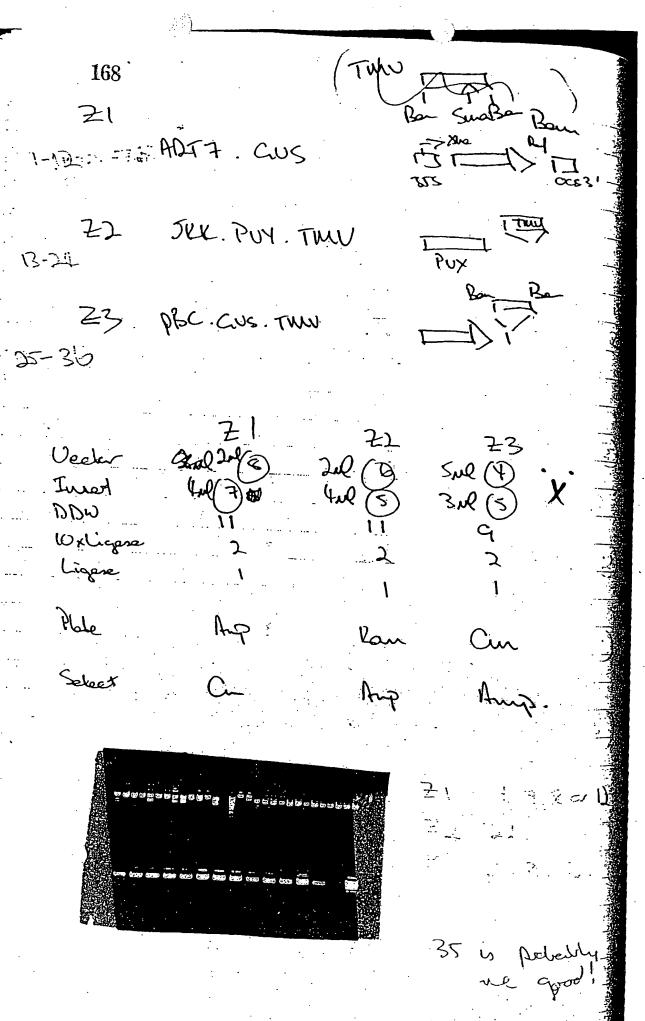
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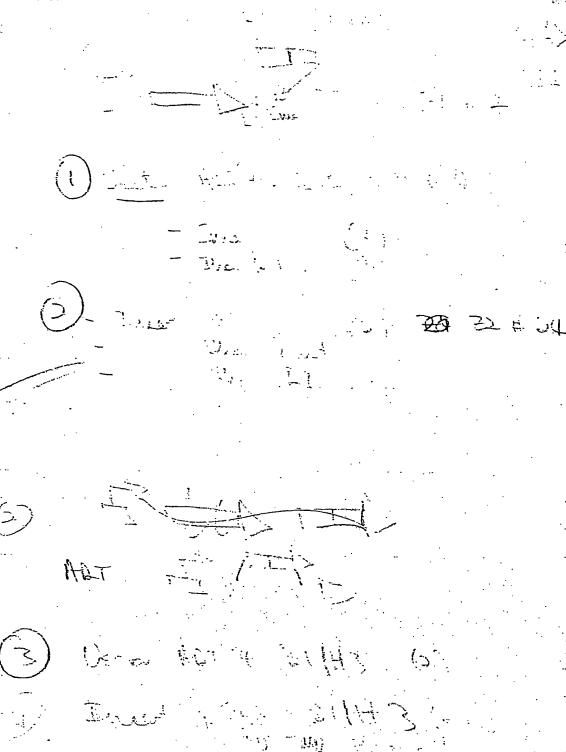
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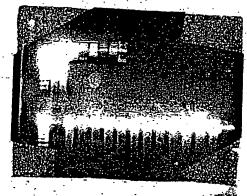
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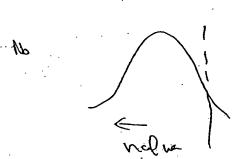
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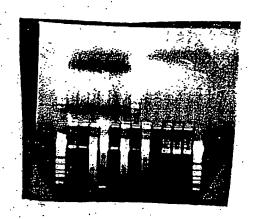
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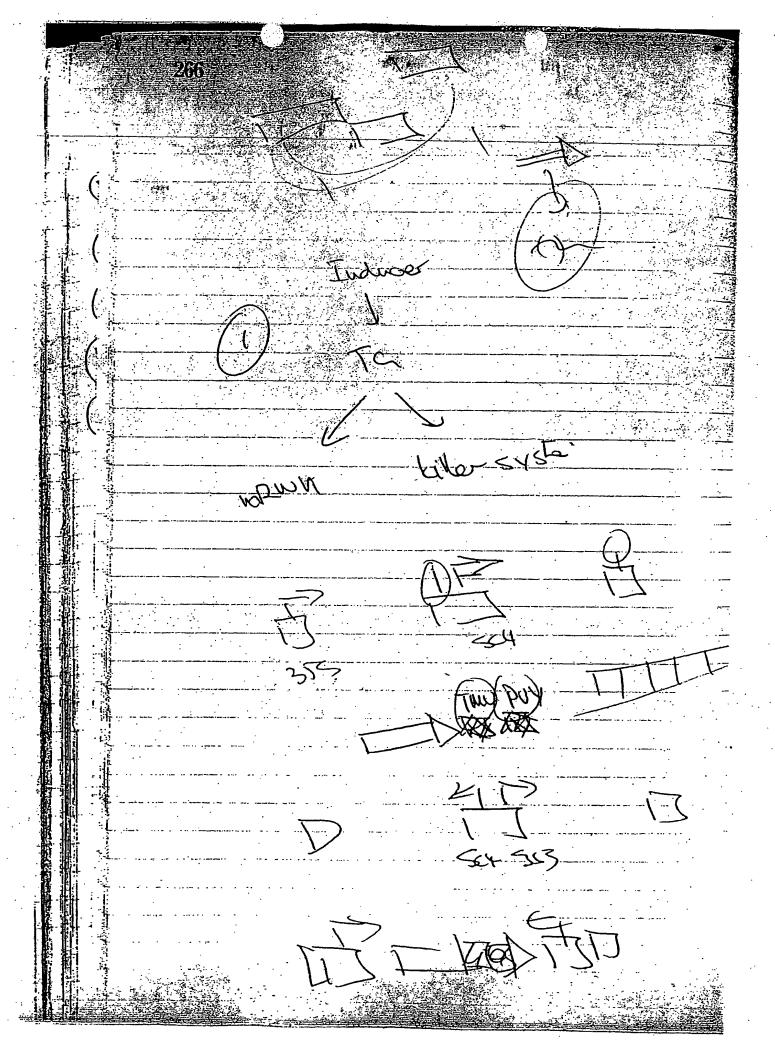


EXHIBIT 2





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FACSIMILE TRANSMISSION

John Slattery
Davies Collison Cave
GPO Box 4387QQ
Melbourne VIC 3001

Dear John.

Re: Patentability of new approach to gene inactivation

Attached is an outline of an idea that Mick Graham has regarding antisense technologies. We would like to get your opinion as to whether we have enough basis to file immediately for a provisional patent.

The concept emerges from the fact that introduced genes (transgenes) are capable of suppressing expression of endogenous genes when the transgenes are in either the normal or reverse orientation. The reverse orientation approach has become known as antisense; the normal orientation is becoming known as sense co-suppression. Both antisense and co-suppression are the subject of existing patents.

It has been thought that antisense works by the binding with the opposite endogenous mRNA sequence thereby preventing translation of the message, but there has been no definite proof that this is the method that operates in vivo. On its own, such a mechanism cannot account for the co-supression that occurs when a transgene is inserted in the sense orientation.

Mick's hypothesis is that, in some instances, sense transgenes become inserted in chromosomal positions where a partial (or even complete) antisense transcript is produced, thus leading to a similar sense/antisense mRNA hybrid molecule forming. Further it is suggested that it is not the passive formation of the mRNA hybrid alone that prevents translation (expression), but rather this hybrid induces an endogenous mechanism that destroys such hybrid RNA molecules in a sequence specific way (perhaps the action of a ribonuclease?). If this proves to be the case it leads to a number of new ways of exploiting this phenomenon, some of which are outlined in the attachment.

A range of scientific evidence now seems to be pointing strengly in the direction of this theory and Mick feels that it won't take long for other research groups to come to similar conclusions (if they haven't already done so). Thus there is a strong sense of urgericy about getting as early a priority date as possible. It should be possible to prove or disprove the hypothesis within the 12 month period. We should be able to produce the transgene constructs outlined in the attachment and determine whether they have the postulated gene suppression effects in transgenic organisms:

My view is that this idea synthesises existing and emerging knowledge of both "antisense" and "sense" suppression of gene expression into a novel hypothesis as to the fundamental mechanism leading to these effects. If this proves to be the mechanism operating in such transgenics, then it leads to a range of novel

Australian Science, Australia's France

paches to down-regulation of gene expression that would appear to be advances on (or at least anting around") standard "antisense" and "sense" approaches. Is this inventive enough (if proven by subsequent work) to justify a patent application, and should we go ahead with a speculative provisional based on the idea because of the potential value of this technology?

I would appreciate receiving your opinion on this as soon as possible so that we can proceed to prepare more detailed information for a provisional patent application if it is warranted.

Sincerely.

Allan Green

Principal Flesearch Scientist

CC

Mick Graham T.J. Higgins

Pat Walsh

Jim Peacock

Rationale

We consider the mechanism of "anti-sense" and "co-suppression" are identical. Both involve a change in the function of the transgene, from producing a normal mRNA to interacting with endogenous factors, which results in the transgene mRNA functioning as a sequence specific RNAase.

This "state switch" requires an interaction between the transgene and the endogenous homologue - this interaction probably involves hybrid formation between the endogenous mRNA and the transgene.

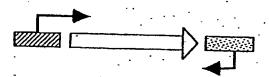
The difference between a weak and strong phenotypic effect in different transgenic lines results from differences in the propensity of the sense or anti-sense transgene to switch states. The differences in sensitivity is possibly a consequence of transgene integration into existing transcriptional units.

Improving existing strategies to create strong phenotypes

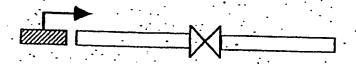
In order to obtain consistently strong phenotypic effects, constructs with a stronger propensity to switch states can be designed. These will produce RNAs which will form double stranded hybrids thereby resulting in an increased likelihood of inducing the state switch.

Possible constructs envisaged are shown below. The shaded boxes with the filled arrowheads represent promoters, the arrow shows the direction of transcription. The open boxes with open arrowheads represent coding sequences, the arrow representing the sense orientation of the gene.

Case 1: Two promoters drive expression of the same transgene in opposite directions resulting in formation of complementary RNAs that can form hybrids, hence switching states.



Case 2: A single promoter drives expression of an inverted repeat. The transcript can then form a hairpin hybrid hence switching states.



Case 3: A sense and anti-sense construct are introduced into the same cell either as a consequence of a sexual cross or by super-transformation. The two seperate transcripts can then form a hybrid hence switching states.

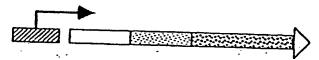


Another implication of this model is that the use of hybrid RNAs will permit the design of constructs that will inactivate multiple genes. Once a gene switches state the sequence specific RNAsse activity will be a property of the complete RNA sequences of the switched transgene. Thus any endogenous gene that contains sequences homologous to sequences in a switched hybrid transgene will be suppressed.

Such constructs might be used to induce the state switch more rapidly using a more abundant or constutively expressed RNA as the endogenous inducer.

In addition single constructs consisting of a promoter driving hybrid sequences should inactivate expression of all endogenous genes present in the hybrid RNA. This might for example permit the design of single gene constructs to protect against multiple viruses.

Case 4: Different portions of the hybrid RNA are shown by different shading. A single promoter driving this construct (or constructs designed as for cases 1, 2 or 3) should supress the expression of all endogenous genes whose sequences are present in the hybrid. The state switch can be induced by interaction with only one sequence, but the consequence will be supression of all sequences present in the switched transgene.



Expected outcomes

- These strategies should permit the design of constructs that will be more effective at creating transgenic lines with strong suppressed phenotype. For example, typically 1 in 10 transgenic lines for a given construct will display a strong phenotype. The use of constructs with a higher propensity to switch should result in a higher proportion of transgenic lines showing strong phenotype.
- Intermediate phenotypes resulting from anti-sense or co-suppression are almost certainly phenotypically chimeric and intrinsically unstable. These constructs should result in a lower degree of such chimerism and an increase stability of phenotype.
- For case 4 novel strategies can be designed to inactivate multiple genes. For example hybrid RNAs consisting of sequences from different viruses should protect against all those viruses once the state switch occurs.
- Such constructs should be useful in mammalian systems.

EXHIBIT 3

PROVISIONAL PATENT SUBMISSION

Introduction

This invention describes a novel approach to creating gene "knockout" phenotypes in plants and animals by transgenesis. The invention will permit the efficient creation of plants and animals with little or no expression of the targetted gene or genes, including the creation of viral resistant or immune plants or animals.

This is currently achieved using anti-sense or co-supression. Both methodologies seem to act by the same mechanism, namely activation of an endogenous sequence specific RNA degradative system. Activation of this endogenous system usually requires a "trigger", namely appearance of the target mRNA or viral RNA in cells of the organism.

This invention describes the design of transgenes which are either more sensitive to the trigger, or trigger themselves. Engineering plants and animals with these constructs will result in:

- A higher proportion of transgenic organisms expressing strong "gene knockout" phenotypes. Only a low proportion of transgenics produced using anti-sense or co-supression display strong phenotypes, most display sectoring, namely areas of tissues or organs are viral immune or do not express the target gene, whilst adjacent areas express target genes normally or support normal levels of viral replication.
- More stringent "gene knockout" phenotypes. For constructs with more sensitive triggers, activation of the RNA degradative system will therefore occur earlier in development with less inducer. Thus with viruses for example little if any replication will occur before immunity is induced, whilst for "gene knockouts" little if any expression of the target gene will occur before the system is induced. For constructs that trigger themselves no inducer will be required, resulting in true viral immunity or "gene knockouts".
- Phenotypes will be more stable. Both anti-sense and co-supressed phenotypes are unstable, the phenotype can revert during development resulting in complete reversion or sectoring.
- Strong phenotypes will be obtained in heterozygotes or proimary transgenics.

CONCEPT

- 1. The invention is based on recent observations indicating that anti-sense and cosupression function by activating an endogenous RNA degradative system.
- 2. There is a trigger which activities of the endogenous RNA degradative system. The triggering event is usually induced by the presence of the target RNA, either the virus or the targetted RNA.
- 3. Rare transgenic insertions trigger themselves, presumably through interactions between repeated inserts.
- 4. Novel transgene design can permit:
 - Transgenes with an increased sensitivity to trigger early in development.
 - Transgenes that trigger themselves.

DEMONSTRATION

- 1. Tobacco were transformed with the constructs shown in Figure 1:
 - A. GUS PVY/TMV fusion driven by the 35S promoter
 - B. An anti-sense GUS PVY/TMV fusion driven by the SCSV 4 promoter.
 - C. A "double promoter construct" (DP2): containing two transcriptional units, a PVY/TMV fusion driven by the 35S promoter and an anti-sense GUS PVY/TMV fusion driven by the SCSV 4 promoter.
 - D. A "double promoter construct" (DP1): containing two opposing promoters driving expression of the GUS PVY/TMV fusion.
- 2. Primary transformants were infected with PVY using manual innoculation.
- 3. Symptom development was monitored visually, and PVY replication was monitored using an ELISA assay
- 4. Results indicate that a much higher proportion of plants transformed with construct C werre resistant to PVY (Table 1).

EXHIBIT 4

MAPPING TRANSGENE ACTIVITY IN PLANTS USING VISIBLE PHENOTYPES

Michael W. Graham, Ming Bo Wang, Bob Furbank, Steve Trevanion, Simon Robinson, Richard Forster, Paul Keese and Peter Waterhouse

CSIRO Division of Plant Industry, GPO Box 1600, Canberra ACT, 2601

Introduction

Transgenic plants are relatively easy to create. Typically to analyse transgene expression many primary lines are generated but only a few showing the desired expression pattern or phenotype are selected for more detailed analysis; lines showing unanticipated expression patterns are frequently discarded. Much valuable information regarding transgene expression is lost during this culling process, in particular evidence refuting tacit assumptions that transgenes normally behave in a uniform, predictable Mendellian fashion.

Transgene expression is usually monitored using biochemical or molecular assays. However the information gained from such approaches can be of limited value, especially when spatially or temporally regulated processes are considered. For this reason visual marker genes such as GUS or \(\textit{B-galactosidase} \) are frequently employed. Marker genes can provide more detailed information on gene expression and since assays are quick and simple, large populations of transgenic lines can be more readily analysed.

In plants, transgene expression itself sometimes creates visible phenotypes. Figure 1 shows an example of a single leaf from a transgenic Flaveria bidentis, a tropical C4 plant. This plant was transformed with a construct designed to inhibit expression of the key photosynthetic enzyme pyruvate phosphate dikinase (PPDK). In green tissues of this leaf both PPDK activity and photosynthesis are normal. In contrast PPDK activity is not detectable in the yellow areas, which are consequently non-photosynthetic. If this whole leaf were ground up and assayed conventionally, PPDK protein levels, enzyme activities and mRNA levels would be about 50% compared to controls. If there were no visible phenotype these data would most likely be interpreted as reflecting a uniform reduction in gene expression across the entire leaf. Clearly in this example complete reliance on biochemical or molecular data would be misleading, and we suggest this precise situation frequently occurs when analysing transgenic organisms.

Based on our own results and a review of the literature we show similar visible or easily scored phenotypes are remarkably common in transgenic plants; however we believe until now neither their frequent occurrence or full significance has been appreciated. In these cases transgenes behave formally as visible marker genes, thereby providing simple assays which precisely define changes in gene expression. By examining such phenotypes large populations of transformed lines can be analysed, but more importantly changes in gene expression can often be directly visualised in space (position in a plant or tissue) and time (stage of plant growth or development).

Sectored phenotypes in transgenesis.

Visible sectored phenotypes are quite common in transgenic plants. Examples from our own work are shown in Figure 2 and others from the literature (1-15) are listed in Table 1, and we are also aware of many further unpublished examples. Detailed descriptions of these plants and phenotypes can be found in the Figure legends and Table footnotes. Many of these phenotypes occur when an extra copy of a gene is expressed in either sense or antisense orientation and hence reflect sequence specific trans inactivation events targeting endogenous genes. However sectored phenotypes sometimes occur when heterologous sequences such as bacterial genes are expressed in transgenic plants.

Sectored phenotypes also occur in viral resistant transgenic plants (16-19), examples are shown in Figure 3, and others from the literature are listed in Table II. These viral resistant phenotypes manifest as alterations in the distribution of viral symptoms which for some viruses provide an indirect visual assay for viral replication (Fig. 3).

Not only are such phenotypes widespread, but often a high proportion of independently transformed lines show sectored phenotypes (Table 1). Frequencies range from about 10% to close to 100% of transgenic lines.

The Significance of Sectored Phenotypes

These phenotypes are significant because they occur in a variety of different circumstances, namely antisense, co-suppression and some instances of viral resistance and transgene instability. Such terms are used to describe phenomena that remain poorly understood at the molecular level, but they are commonly assumed to reflect distinct molecular processes.

In this context the occurrence of sectored symptoms in viral resistant plants is particularly significant. The molecular processes underlying RNA-mediated viral resistance were recently brought into sharp focus by Lindbo et al. (20), whose results define remarkable posttranscriptional processes responsible for resistance (for recent reviews on gene silencing in plants see refs. 20-26). Their data, which will be considered in more detail below, indicate viral resistance reflects sequence-specific degradation of viral RNAs. Formal evidence links viral resistance and at least some instances of transgene instability, indicating that mRNAs from nuclear genes can also be degraded by the same mechanism.

The sectored patterns of gene activity described above are only apparent because the events give visible or easily scored phenotypes. There is no reason to suspect that the majority of constructs, which give no obvious phenotype, will not behave in a similar fashion; however in such instances sectored gene expression could be easily missed, since quite detailed analysis would be required before it could be detected. We propose therefore that sectored gene activity occur much more frequently in transgenic organisms than previously imagined. Consideration of visible phenotypes in plants provides a simple means to visualise and more fully understand the full consequences of transgenesis.

Proposal: Sectored phenotypes arise from a common mechanism

We propose that phenotypic similarities of variable sectored patterns of gene activity, reflect common molecular events - namely activation of the posttranscriptional

homology-dependent RNA degradative system responsible for RNA-mediated viral resistance.

Initial evidence for this is based on overall phenotypic similarities that occur in transgenic plants. When considered together visible sectored phenotypes share several important characteristics. They are clearly non-uniform, regions of distinctly differing gene activity exist in sharply delineated sectors; these sectors often, perhaps always, correspond to regions of complete gene inactivation. Another striking feature is the extreme phenotypic variability that often occurs in transgenic lines; changes in gene expression occur unpredictably in space and time, generating remarkably complex phenotypes. These observations are consistent with activation of a simple binary switch which is variably induced in space and time, in what often seems an unpredictable fashion.

The available molecular evidence is consistent with this proposal and various other observations from the literature provide further indirect support. Remarkably similar events have been described in mammals and possibly other organisms, suggesting these observations have wide implications for understanding and interpreting transgenesis.

Sectored phenotypes reflect complete gene inactivation

For many of the phenotypes described above sectored regions seem to correspond to areas of complete gene inactivation, consistent with the complete degradation of mRNAs. Thus for *Flaveria* expressing PPDK sequences only background levels of enzyme activity are detected in yellow chlorotic sectors. Similarly, some phenotypes listed in Table 1, such as a complete lack of corolla pigmentation in petunia petals expressing CHS and DFR sequences or qualitative changes in starch composition in potato starch granules are also consistent with this notion. Most other phenotypes in Table 1 are fairly poorly described, but they are not inconsistent with this notion. Furthermore in instances of co-suppression where quantitative enzyme measurements have been reported, namely chitinase, \(\theta\)-glucanase and nitrate reductase () complete inhibition of gene activity occurs. Mechanistically viral immunity reflects complete degradation of viral RNAs, sectors of complete gene inactivation would be anticipated if they arise by a similar process.

We are aware of some exceptions to these general observations which suggest two situations where apparently intermediate phenotypes might arise. In instances where a protein or its product are relatively stable one might gain the impression of intermediate levels of gene expression. This may be the case with NADP MDH in Flaveria (Figure 2), where sectored regions express about 5% of control enzyme activities. NADP MDH is a chloroplast enzyme and is therefore likely to be quite stable, complete inhibition of gene activity might only be observed long after gene inactivation events occur. Another exception might arise in instances where multi-gene families are targeted for trans inactivation. In transgenic Gerbera hybrida expressing antisense CHS sequences, some lines produce pink flowers from a red parent. This phenotype is consistent with partial reductions in CHS activity (), which could reflect either partial trans inactivation of CHS mRNAs, or alternatively result from complete inactivation of specific members of a multi-gene CHS family that might be expressed in Gerbera petals. A similar phenotype has been noted in a single transgenic petunia.

Unpredictable gene expression in transgenic plants

Transgene instability in the examples shown in Figures 2 and 3 results in highly variable, unpredictable phenotypes. These must reflect complex patterns of gene inactivation which occur frequently throughout development. In some instances evidence of cell lineage relationships can be inferred, whilst in other examples gene inactivation occurs in an apparently stochastic fashion.

For example, in Flaveria showing unstable PPDK expression each leaf on a plant shows unique patterns of gene inactivation (Fig. 2A,B). PPDK inactivation events must initiate differently for each leaf at different stages of development. The leaf in Fig. 2C illustrates this point. The lower half is nearly fully yellow, presumably a gene inactivation event occurred early in development and involved half the leaf meristem. In the upper half gene inactivation events probably occurred much later in development, and there have been many such events. This leaf also shows evidence of a reversion event, the large green sector in the bottom of the leaf. Moreover in such plants whole shoots can be fully green, whilst adjacent shoots become completely yellow (Fig. 2E and F). Sectoring in leaves from plants expressing NADP MDH sequences also results in extremely complex essentially random phenotypes (Fig 2 G-I) which presumably reflect cognate influences on gene inactivation.

Highly variable sectoring is also seen in mini-tubers expressing PPO constructs (Fig. 2 J-L). Some tubers show only a few PPO-expressing sectors, whilst others show large areas of PPO-positive tissues. Positive sectors presumably arise from one or a few cells which either retained or regained normal levels of PPO activity during tuber formation, cones of cells presumably reflect subsequent cell division which lead to radial expansion of the tuber. Some tubers from this line showed apparently normal expression of PPO, further emphasising the unpredictable nature of phenotypes.

When alterations in viral symptoms are considered similar unpredictable phenotypic variability also occurs in PVY-resistant tobacco (Figure 4). In some lines lesion numbers on third systemically infected leaves were about 5% of controls, whilst in others numbers were 30 - 50% of controls. Lesions typically appeared to be distributed in essentially random fashion, although some degenerate patterns were observed, for example different halves of a leaf formed distinctly different numbers of lesions. In one line a highly symmetrical pattern was observed, symptoms were confined to sharply delineated rectangular regions within interveinal tissues, similar to those described by Dougherty et al (1994). These phenotypes also showed marked developmental influences, lesion numbers usually decreased significantly in older leaves, but even this character was not invariant, in one resistant line the number of lesions actually increased.

The pigmentation patterns described in petunia petals expressing either sense or antisense CHS sequences are also remarkably variable. Different patterns occur in individual lines ranging from highly symmetrical to apparently chaotic. Most other examples of sectored phenotypes remain fairly poorly characterised, and have been variously described as "mottled", "chaotic" or "randomly distributed". We suggest careful consideration of these phenotypes will reveal much more information regarding phenotypic variability.

Transgene instability: current paradigms

To create transgenic plants DNA is most commonly introduced into regenerable tissues using either Agrobacterium or biolistics. Both approaches result in quasi-random integration of constructs. Thus in some lines constructs integrate as single copies, but often more complex patterns, such as multiple linked or unlinked integrations occur. Each individual in a population of transgenic lines therefore possesses a unique pattern of transgene integration and it is becoming increasingly clear that these markedly influence transgene activity, complex transgene integration patterns are frequently associated with aberrant expression patterns.

Position effects; cis inactivation of gene expression

The term "position effects" was coined to describe alterations in transgene activity that might reflect localised cis influences on gene expression. For example position effect verigation in Drosophila is thought to arise through localised influences of heterochromatin on gene expression, endogenous genes near blocks of heterochromatin, or transgenes which integrate near such regions, show abnormal verigated expression patterns. Similarly chance integration near strong enhacers, might influence either the total activity or developmental specificity of a particular promoter in individual lines. Similarly methylation of transgene sequences, which arises de novo following integration, can markedly influence gene expression, which is often thought to reflect promoter methylation leading to transcriptional silencing.

Trans inactivation of gene expression

At least two processes are known which can influence transgene expression in *trans*. Methylation patterns from transcriptionally inactive transgenes can be transferred to homologous sequences elsewhere in the genome, presumably through some type of somatic interactions between repeated sequences. Remarkably this can result in the transcriptional inactivation of unlinked locci. Although such processes have only been demonstrated for repeated transgene promoter sequences, it seems possible similar interactions could occur between duplicated coding sequences.

The second process is frequently referred to as co-suppression or posttranscriptional gene inactivation. The term co-suppression was originally coined to describe phenomena observed in transgenic petunia where attempts to overexpress key genes controlling pigment biosynthesis unexpectedly resulted in a complete block in pigment production in sectors of petals (). Expression of both the transgene and endogenous homologue were blocked in such lines, hence the term.

An extremely important shift in understanding co-suppression occurred recently with the demonstration that many instances of genetically engineered viral resistance in plants occur by this mechanism. Constructs designed to express viral structural genes in plants, such as coat protein () or polymerase genes (), often confer viral resistance. This was originally thought to result from the inappropriate expression of viral proteins which were assumed to act through poorly defined trans dominant effects on viral replication (). However Lindbo et al (1993) showed conclusively that the expression of non-coding viral RNAs can confer strong viral resistance, the term RNA-mediated viral resistance has been coined to describe such resistance. Such viral resistant lines show varying degrees of resistance, which manifests as either viral immunity or "recovery" from viral infection - as plants grow new tissues become viral immune; the viral resistance phenotypes shown in Figure 3 are examples of this.

Northern analysis indicated this viral immune state was associated with markedly decreased steady state transgene mRNA levels, but nuclear run-on experiments showed transcription rates remained essentially equivalent to fully susceptible tissue. These same molecular changes, namely high transcription rates associated with low steady state mRNA levels, also occur in co-suppression of nuclear genes. These results indicated that both the transgene and viral RNAs are degraded in viral resistant lines through some previously unimagined posttranscriptional process. Such viral resistance is sequence-specific, since unrelated viral RNAs are not degraded, moreover RNA degradation must occur in the cytoplasm as potyviruses, which were targeted in these experiments, replicate exclusively in this compartment.

Such data indicated that both RNA-mediated viral resistance and co-suppression are posttranscriptional phenomenon explicable only in terms of activation of an endogenous homology-based RNA degradative system. In co-suppression this RNA degradative system targets mRNAs from nuclear genes, whilst for viral resistance viral RNAs are targeted.

Antisense

In transgenic plants antisense approaches are frequently used to specifically trans inactivate expression of endogenous genes. The mechanism of inactivation remains unknown but antisense is widely, although not universally (), thought to differ from cosuppression. Antisense phenotypes are commonly thought to reflect duplex formation between the antisense transgene and endogenous sense mRNA, which is believed to inhibit either translation of the targeted mRNA or mark it for destruction by unknown process(es). Such models imply that antisense represses gene expression uniformly in a whole plant or tissue, which seems a widely held assumption.

Sectored phenotypes reflect posttranscriptional gene inactivation

Many of the sectored phenotypes described above reflect sequence-specific trans inactivation events. Processes which act only in cis, such as position effect verigation, cannot be responsible for these phenotypes. Moreover whilst transgene methylation can inactivate gene expression in trans such processes cannot possibly account for viral resistance since most plant viruses have RNA genomes.

Support for this view is based on specific molecular criteria. In instances of posttranscriptional gene inactivation, nuclear run-ons and Northern blots show that inactivated genes are transcribed at normal rates but steady state RNA levels are low (). This contrasts to transcriptional gene inactivation where run-ons show genes are not transcribed.

A review of the literature shows that at least three instances described as co-suppression () and three examples of RNA-mediated viral resistance () satisfy these molecular criteria. We are not aware of any exceptions to this, and it seems reasonable to assume that most, probably all examples of these phenomena will occur by activation of this same RNA degradative system.

Furthermore at least two instances described as transgene instability have been reported where run-ons are also consistent with posttranscriptional gene inactivation. Whilst

visible phenotypes were not reported in these examples, these results indicate transgenes can inactivate their own expression through posttranscriptional processes. Transgene instabilities that might seem to occur in *cis* sometimes reflect *trans*-acting processes. It seems reasonable to assume other examples labelled unstable expression will also occur in this fashion, especially in instances where sectored phenotypes occur.

Less molecular data is available for antisense, we are aware of only one instance where results of nuclear run-ons have been reported. In tomatoes expressing antisense polygalacturonidase (PG) constructs, run-ons showed that transcription rates of both endogenous and antisense PG genes remain unaltered in ripening tomato fruit whilst steady state mRNA levels for both genes decreased markedly (). These results were originally interpreted using conventional models - duplexes were assumed to form between antisense and sense leading to the specific destruction of both RNAs. This interpretation is tautological, the data are equally consistent with degradation via posttranscriptional gene inactivation. We believe the latter explanation is most likely, since additional indirect evidence discussed below provides further support for this view.

Implications

Our observations suggest that posttranscriptional gene inactivation occurs very frequently in transgenic plants, which has wide implications for understanding and interpreting transgenesis.

Transgene Instability

Our observations indicate that the frequency of transgene instability has probably been grossly underestimated. This has disturbing implications.

Sectored gene inactivation events might prove difficult to detect in instances where no phenotype occurs, especially when phenotypic variability is taken into account. Fine scale sectoring in whole tissues, or gene inactivation events in parts of plants or in transgenic progeny (either sexual or clonal) might easily be missed without detailed analysis. Furthermore environmental influences can markedly effect phenotypes. For example the frequency of co-suppression in tobacco over expressing copropophyrinogen oxidase constructs varied markedly when plants were grown in different glasshouses, similarly plants that stably expressed a herbicide resistance gene in glasshouses showed sectored expression in the field.

Important determinants of transgene stability can be recognised from the available literature. Complex multi-copy transgene integrations have been correlated with both posttranscriptional and transcriptional gene inactivation. Single copy transgene inserts are therefore likely to express more predictably. Furthermore to circumvent trans inactivation events constructs should utilise heterologous promoter and coding sequences whenever possible.

The mechanism and consequence of antisense

We have shown above that sectored phenotypes often occur as a consequence of antisense expression. Such observations refute assumptions that antisense phenotypes

are uniform and suggests that experiments using antisense may have been frequently misinterpreted.

One prediction is that phenotypes generated by antisense and co-suppression should be identical - however for such a comparison identity must be considered in the context of phenotypic variability. In transgenic *Flaveria* expressing either sense (Figure 2H) or antisense (Figure 2I) NADP MDH constructs, very similar sectored phenotypes occur. Similarly in PVY-resistant tobacco expression of viral sequences in either sense (Figure 4C) or antisense (Figure 4D) orientation results in the same recovery phenotype. Data summarised in Table 1 provides further support for this view, at least three other examples, CHS in petunia, ankyrin in *Arabidopsis* and probably GBSS in potato, give similar phenotypes for antisense and co-suppression.

Such a view also provides a simple explanation for the poor correlation between antisense RNA levels and phenotype which has been often noted. As described above low steady state transgene mRNA levels reflect activation of the posttranscriptional RNA degraditive system. Phenotypes reflecting strong gene inactivation should therefore correlate with low transgene mRNA levels. However since phenotypes are sectored steady state mRNA levels would be expected to vary considerably depending on the tissue or developmental stage assayed. Significantly, poor correlations between transgene mRNA levels and viral resistant phenotypes have also been frequently observed.

One difference between antisense and co-suppression is the frequency of gene inactivation events. The available data are also summarised in Table 1. In one instance (ankyrin in Arabidopsis and CHS in petunia) frequencies are identical, but in other examples co-suppression frequencies are higher (eg PPO in potato), markedly so for PVY resistance. The reasons for such discrepancies remain uncertain but could reflect differing propensities for activating the RNA degradative system.

The term antisense is loosely used to describe a variety of phenomena. For example in transient assays small decreases in gene expression occur when large excesses of antisense are introduced into cells. This differs from the complete gene inactivation described above; perhaps there is an effect of duplex formation, but it is small. Clearly notions of what is precisely meant by antisense require re-evaluation.

Engineering Viral Resistance

Our observations suggest the mechanism of viral resistance is sectored viral immunity. Sectored symptoms have been described by others in viral resistant transgenic plants (Table 2), including viruses from widely divergent genera namely potyviruses; potexviruses and tospoviruses, indicating this is a widespread phenomena. For many virus plant combinations there are particular difficulties associated with interpreting viral resistance phenotypes which might obscure similar sectored symptoms. Thus some viral species like cucumber mosaic virus (CMV) naturally grow out of viral infections, whilst in others such as potato leafroll virus (PLRV) symptoms provide only indirect indications of viral replication. In other examples visible symptoms do not occur at all. We suggest sectored viral immunity is probably widespread, but has often been missed.

Three common observations are frequently made for viral resistance phenotypes. Firstly when plants are challenged with virus a proportion do not develop symptoms. In those

that do symptom appearance is frequently delayed. Finally resistance often shows dose dependence, high innoculums of virus can overcome resistance. The simple model in Figure 5 can explain these observations.

There is surprisingly little evidence indicating that protein expression plays any role in conferring viral resistance, but this view has become dogma. Our observations provide a rational basis for considering viral resistance phenotypes which might help clarify such arguments.

Trans inactivation of gene expression.

The ability to completely *trans*-inactivate expression of endogenous genes, or degrade viral RNAs is clearly of major practical and experimental importance. One surprising implication of our observations is that complete *trans* inactivation occurs very commonly in transgenic organisms; the available technologies of co-suppression and antisense are extremely effective.

What is required however are methods to better control gene inactivation in space and time. It seems likely that significant advances can be achieved in this respect.

Posttranscriptional gene inactivation in other taxa

It seems unlikely that a remarkable process like sequence-specific RNA degradation would be confined to plants. Many examples of distinctly non-uniform patterns of transgene expression have been observed in mammalian systems, and several key observations suggest at least some of these events occur through identical posttranscriptional processes.

In a transgenic mouse line expressing an antisense myelin basic protein (MBP) cDNA, marked decreases in both MBP mRNA and protein levels where observed. Localisation of MBP in neuronal tissues from these animals, using antibody probes, revealed MBP was distributed in a distinctly non-uniform fashion. This is consistent with sectored trans inactivation of endogenous MBP expression. Furthermore in at least two examples where mammalian cell lines were transformed with antisense sequences, a poor correlation between state levels of antisense RNAs and the level of gene inactivation was noted, reminiscent of the observed situation in plants. Sectored expression of transgenes has also been noted in transgenic mice and transformed mammalian cell lines.

Phenomena described as antisense, co-suppression or transgene instability have been described in fungal species. Moreover antisense strategies have been widely used in the study of *Dictyostelium*, and some evidence indicated that RNA degradative processes play an important role in programming differentiation processes. Such observations suggest that posttranscriptional gene inactivation is widespread.

The biological significance of posttranscriptional gene inactivation

The endogenous system responsible for homology-dependent posttranscriptional gene inactivation has remarkable properties; it seems likely such a system plays fundamentally important roles in biological systems. Others have proposed the system may normally play a role in viral resistance in plants or protect against the activity of

transposons. However the likelihood the system functions in other taxa suggests more general roles, for example one can easily envisage regulatory networks based on homology-dependent posttranscriptional processes.

In transgenic plants activation of this system frequently results in the creation of seemingly random or chaotic phenotypes, however some lines display remarkably symmetrical phenotypes. Such observations suggest that posttranscriptional processes might play an important role in pattern formation.

Our observations indicate posttranscriptional gene inactivation acts as a binary switch, rather than a "volume control" for gene expression. Intriguingly some models of enhancer action suggest they also function act as a binary switch by increasing the probability of transcription in individual cells rather than increasing transcription rates as generally believed. Assumptions that gene expression is normally fairly uniform in seemingly homogeneous tissues are perhaps overly simplistic, distinctly non-uniform patterns of gene expression may occur frequently.

EXHIBIT 5

- ^a Construct used to create transgenic line. Plants were mostly transformed using Agrobacterium-based systems, except for some transgenic petunia lines which were regenerated from electroporated protoplasts. Most constructs used the constitutive 35S promoter to drive transgene expression, exceptions are for DFR, in some instances the native promoter was used and CHS, where sectored phenotypes occur with promoterless constructs.
- b Visible or easily scored phenotype which reflects transgene activity.
- ^c Antisense refers to situations where constructs were designed to express antisense RNA sequences; Co-suppression refers to situations where sense sequences were expressed, usually full length coding sequences aimed at overexpressing a gene; transgene instability refers to situations where genes are expressed which have no endogenous homologue, such as bacterial genes.
- d Frequency refers to the frequency of primary (T₀) transgenic lines displaying sectored phenotypes.
- e Transgenic Flaveria expressed full-length antisense Flaveria PPDK sequences driven by the 35S promoter.
- f Transgenic Flaveria expressed full-length antisense Flaveria NADP MDH sequences or full length maize NADP MDH coding sequences designed o overexpress enzyme activity. Both constructs were driven by 35S.
- g Potatoes (cv Lehmni Russet) were transformed to express antisense potato PPO sequences driven by 35S.
- h Constructs designed to express either sense () or antisense () sequences driven by 35S were used to transform petunia. Sectored phenotypes also arise when promoterless constructs are used. The phenotypes of these flowers have been particularly well characterised and show remarkable diversity (). In some instances developmental changes in phenotype (), reminiscent of the viral recovery phenotype () have been noted.
- Arabidopsis ankyrin encodes a trans regulatory protein which seems to play a central role in signalling chloroplast biogenesis. Transgenic expression of ankyrin cDNA sequences creates sectored regions of leaf chlorosis, consistent with absence of this differentiation signal. An identical phenotype occurs regardless of whether sense or antisense sequences are driven by 35S.
- J Potato tubers produce two types of starch, highly branched amylose and linear amylopectin. The two types stain differently with iodine; amylose containing starch stains blue, whilst amylose-free starch stains red. For plants expressing antisense potato GBSS sequences driven by 35S whole tubers treated with iodine stain blue in some regions and red in others, reminiscent of the antisense PPO phenotype described above. In addition individual starch grains contain blue centres and red outer regions. Since starch grains grow outwards this phenotype provides a temporal record of gene

expression in individual tuber cells. Inactivation of endogenous GBSS expression seems to be triggered early in tuber development, before starch grains are fully developed but after GBSS expression is induced. Some grains show blue concentric circles, consistent with multiple gene inactivation and reactivation events occurring over time.

- k Constructs expressing sense DFR sequences and intact DFR genomic sequences, driven by the native DFR promoter, show sectored regions of unpigmented tissues, similar to those described for CHS.
- Tobacco transformed to express tobacco nitrate reductase sequences driven by 35S show a sectored leaf necrosis. This visible phenotype has not been extensively described, but extensive biochemical data suggests this phenotype shows developmental alterations, reminiscent of viral recovery phenotype. Quantitative enzyme measurements indicate complete gene inactivation occurs in mature tissue.
- m Tobacco were transformed with constructs designed to constitutively overexpress tobacco SAM synthetase using 356S. Two phenotypes resulted; overexpression leads to leaf necrosis, but this was unstable and reverted to normal phenotype. Qualitative?. This phenotype also showed developmental influences.
- n Tobacco were transformed to express copropophyrinogen oxidase sequences driven by 35S. Overexpression was associated with leaf necrosis, which were described as occurring in "chaotic patterns".
- O Tobacco were transformed to express yeast invertase sequences driven by 35S. "Chaotic patterns of necrosis" were reported which correspond to regions where invertase was expressed. No invertase activity was detectable in normal tissues?
- P Arabidopsis were transformed to express bacterial RolB sequences driven by 35S. Constitutive expression of RolB generates an auxin hyper-sensitive response, leading to the creation of a severely stunted phenotype. Occasionally normal shoots develop from these plants, analysis of gene expression in these shoots indicates RolB is not expressed, and nuclear run-ons indicate this inactivation is posttranscriptional. Mutants of these transgenic lines which showed a higher frequency of normal shoots have been isolated, providing formal evidence that posttranscriptional gene inactivation involves a host system.
- 9 Transgenic tobacco resistant to the herbicide sulfonylurea were created using 35S to drive expression of the bacterial csr1-1 gene. This confers herbicide resistance by.... In field trials of herbicide resistant plants, sectors of sensitive tissue were described; as "mottled, sectored leaves and whole plants".

Table 2: Sectored symptoms in viral resistance.

Virus ²	Resistance Constructs b	Reference	
Potato virus Y (PVY) ^c	PVY NIa	This paper	
Tamarillo mosaic potyvirus (TaMV) c	TaMV coat protein	This paper	
Tobacco etch potyvirus (TEV) d	TEV coat protein		
Peanut Stripe potyvirus	PStV coat protein		
(PStV) e Potato virus X (PVX) f	PVX polymerase		
Tomato spotted wilt virus (ToSW) g	ToSW N protein		

^a Refers to the viral species for which resistance was monitored. These include four potyviruses, PVY, TaMV, TEV and PStV; a potexvirus (PVX) and a tospovirus (ToSW).

b Viral resistance in these instances is RNA-mediated. All constructs were driven by the 35S promoter. For PVY a portion of the NIa protease gene was expressed; for TaMV For TEV a non-translatable coat protein sequence; for PStV translatable and non-translatable coat protein sequences; for PVX sequences derived from the replicase gene (these were translatable but resistant was subsequently shown to be RNA-mediated) for ToSW translatable sequences from the N replicase gene which confer resistance through RNA-mediated mechanism.

c Symptoms shown in Figure 2.

d Symptoms described as "distinctly localised in chlorotic interveinal regions".

e Symptoms described as "symptomatic and asymptomatic areas" where "virus was detected only in areas where symptoms were visually apparent".

f Symptoms described as "ameliorated symptoms, characterised by isolated chlorotic lesions rather than confluent mosaic".

g Symptoms described as "....."

Figure Legends

Figure 1. Sectored gene expression in transgenic plants. A single leaf of a transgenic Flaveria bidentis showing sectored inactivation of endogenous PPDK gene is shown. This plant was transformed with a construct expressing antisense Flaveria PPDK sequences driven by the CaMV 35S promoter. In the green regions of the leaf PPDK activity is normal, whilst in the yellow levels measurable PPDK activity is only 2% of controls. In the yellow sectors expression of the endogenous PPDK gene has been trans inactivated and these regions are consequently non-photosynthetic. Fifteen lines were transformed with this construct, twelve were completely yellow and three gave sectored phenotypes, further examples of which are shown in Figure 2.

Figure 2. Highly variable phenotypes resulting from sectored gene inactivation in transgenic plants. (A-F) Sectored inactivation of PPDK expression ion Flaveria. (A,B) Single shoots from transgenic plants similar to those shown in Figure 1, note each leaf shows a unique pattern of PPDK inactivation. (C,D) Single leaves from such plants showing complex patterns of gene inactivation. Completely green (E) and yellow (F) shoots of Flaveria which grew on the same plant. (G-I) Transgenic Flaveria expressing NADP MDH sequences driven by the 35S promoter. The pale yellow sectors result from photosynthetic quenching which reflects the low (5%) levels of NADP MDH expressed in these sectors. NADP MDH is expressed at about 50% of control values in green areas of leaves in these plants. (G) Plants were transformed with a construct designed to over express maize NADP MDH activity, only gene inactivation events were detected in such lines. Note each leaf shows a unique pattern of gene inactivation. (H) Single leaf from a plant expressing the sense construct in G. (I) Single leaf from a plant expressing a Flaveria NADP MDH antisense cDNA driven by the 35S promoter; the phenotype is indistinguishable from that in H. (J-L) Potato minitubers showing sectored inactivation of PPO expression. These plants (cv. Lehmni Russet) were transformed to express antisense sequences from potato PPO cDNAs driven by 35S. Tubers were cut and exposed to air overnight as a crude indicator of in situ PPO activity. (J) The tuber on the left in was grown from a non-transformed control and turns uniformly black, the tuber on the right was grown from a transformed line. (K) Closer view of the transgenic tuber in (J), note cones of black and white tissues reflecting changes in gene activity. (L) Four tubers from the same line, note each shows unique patterns of gene inactivation.

Figure 3. Sectored symptom formation in viral resistant plants. Viral infection in plants often results in the reproducible development of characteristic disease symptoms. For a particular combination of plant and virus, particular types of lesions (e.g. chlorotic or necrotic spots or lesions on leaves) occur reproducibly during development of the disease. For some viruses disease symptoms occur only in those tissues supporting viral replication, alterations in the distribution or appearance of such symptoms in transgenic viral resistant plants therefore provide indirect visual assays for transgene activity. (A) Non-transformed Nicotiana tabaccum (W38) infected with PVY, leaves which form following viral challenge are invariably systemically infected and develop characteristic chlorotic lesions. In our hands this phenotype is easily scored from the third to the seventh systemically infected leaf, where the lesions are distributed quite uniformly over the entire leaf. After this point leaves are smaller and symptoms less obvious, necessitating the use of ELISA assays to monitor viral replication. (B) Symptoms in transgenic tobacco expressing non-coding RNAs derived from a portion of the PVY NIa cistron driven by the 35S promoter. Note sectored distribution of lesions, viral particles

(detected by ELISA assays) are found only in symptomatic areas, no virus was detected in asymptomatic regions. (C,D) Systemically infected leaves from plants expressing sense (C) or antisense (D) Nla sequences relative to the PVY genome. Virus is detectable only in areas where single lesions or small foci of lesions are apparent, the same phenotype occurs regardless of orientation. These plants display the recovery phenotype first described by Linbo et al (). (E,F) Symptom development in Nicotiana benthemiana resistant to TaMV. etc

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Co-suppression in mammals

Background

Recent advances in plant molecular biology have given important insights into mechanisms of trans-inactivation of gene expression in transgenic plants. By expressing RNA sequences driven by strong constitutive promoters transgenic plants can be created where endogenous genes can be targeted for complete inactivation or rendered viral immune. The ability to create similar phenotypes in animals has enormous implications for medicine and agriculture. This programme aims to transfer these emerging principles of gene inactivation in plants to mammalian systems.

In plants the term co-suppression refers to the inactivation of gene expression which sometimes occurs when extra copies of endogenous genes are expressed in a sense orientation in transgenic plants (for recent reviews see Meyer, 1995; Schell, 1996). Important new insights into cosuppression form the basis of this proposal. It has been known for some time that viral resistance can be created in transgenic plants can be created by expressing viral RNA genes; this resistance was initially thought to result from the expression of viral proteins, however more recent evidence indicates the mechanism is identical to co-suppression (Linbo et al., 1993; English et al., 1996). Furthermore it is becoming increasingly clear that antisense occurs by this same mechanism (Dougherty and Parks, 1995; Graham et al., submitted for publication).

Mechanistically co-suppression involves sequence-specific degradation of RNAs, either viral RNAs or mRNAs from nuclear genes. Following infection viral resistant transgenic plants "recover" from viral infection, recovered tissues become immune to further infection. In viral immune tissues Northern blots and nuclear run-on experiments show that transgene RNAs virually disappear even though their transcription rates remain nearly equivalent to those in viral susceptible tissues (Linbo et al. 1993). Identical molecular changes, namely markedly decreased steady state mRNA levels but essentially unaltered transcription rates occur in co-suppression (Brusslan et al. 1993; van Blokland et al. 1994 and de Carvalho et al. 1995) and antisense (Sheehy et al. 1988) in plants. Since co-suppression results in the sequence-specific inactivation of RNAs, the mechanism of viral immunity must involve sequence-specific destruction of viral RNA (nearly all plant viruses possess RNA genomes). Moreover co-suppression must be a cytoplasmic phenomenon since viruses that replicate exclusively in this compartment can be targeted by this process. Furthermore this RNA degradation is sequence-specific since non-related viruses or nuclear genes are not degraded by the process. Such observations indicate the existence in plants of a previously unknown host system capable of quantitatively degrading RNAs in a sequence-specific manner.

One striking characteristic of co-suppression is that remarkably complex phenotypes arise in whole plants (M. Graham; submitted for publication). Co-suppression and viral resistance manifest as unstable sectored phenotypes, regions of essentially normal gene activity or viral susceptibility occur in some tissues, whilst compete gene inactivation or viral immunity occurs in adjacent cells. We believe such unanticipated behaviour has lead to much confusion about the behaviour of co-suppression and as described places important constraints on experimental.

Whilst co-suppression has not been formally demonstrated to occur in mammals several key observations suggest its existence. In at least three examples where mammalian cell lines were genes have been inactivated using antisense approaches, a poor correlation between steady state levels of antisense RNAs and the level of gene inactivation was noted (Moroni et al., 1992; Kook et al., 1994 and Thomson et al., 1995). This is reminiscent of the degradation of transgene RNAs associated with co-suppression and antisense in plants. In a transgenic mouse line expressing an antisense myelin basic protein (MRP) cDNA, marked decreases in both MBP mRNA and protein levels were observed, localisation of MBP in neuronal tissues from these animals, using antibody

probes revealed MBP was distributed in a distinctly non-uniform fashion (Katsuki et al., 1988). This is consistent with sectored trans inactivation of endogenous MBP expression through cosuppression. Furthermore inhibition of marker gene expression by sense constructs has been observed in transient assays in mammalian cells (Cameron and Jennings, 1991).

The aims of this programme are:

- 1. To establish whether co-suppression occurs in mammalian systems with an aim to obtaining dominant positions with intellectual property.
- 2. To define approaches to manipulate the process in vivo with an aim to establishing techniques to create cell lines or whole animals which are viral immune or display complete transinactivation of targeted sequences.

Opportunities and Outcomes

We believe manipulation of co-suppression in animals offers novel strategies to enhance the potential applications of gene transfer into animals. Applications of such technologies might include:

- For whole animals, viral immune strains could be created or the expression of specific genes completely inactivated. The latter obviates the use of ES cells currently thought to be necessary to achieve this goal.
- Somatic cells, such as haematopoietic stem cells, could be rendered immune to viruses, a
 particularly potent approach for controlling viruses which infect blood cells.
- The expression of genes associated with various diseases, such as some cancers, could similarly be blocked.

Very short RNA sequences (14 bp) are capable of co-suppressing gene expression in plants (Brusslan and Tobin, 1995) and emerging data suggests that relatively short specific sequences are targeted by co-suppression. If sequences capable of eliciting co-suppression can be delivered ectopically, it might prove possible to develop novel novel nucleotide-based thorapeutic agents.

• A detailed understanding of the molecular mechanism of co-suppression offers the potential to design new types of drugs.

The outcome of this programme will be generic patents covering animal and human transgenesis. Perhaps more importantly patents covering the design of novel therapeutic agents might also be developed.

Risks

We feel we possess both the intellectual and rechnical resources to make rapid progress with this research. Co-suppression has become a topic of major interest in plant research and whilst we are not aware of any groups extending this work to animals, the emerging interest in the area suggests such such work is likely to commence. Competition is therefore a consideration.

It is possible that co-suppression occurs only in plants. Although we do not believe this is the case, if we fail to demonstrate its existence the programme will be terminated.

Research Retionale

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The complex behaviour of co-suppression in plants indicate that careful experimental design will be critical for successfully detecting the process in mammals. Two important aspects which must be considered are the frequency of co-suppression and the complex sectored nature of co-suppressed phenotypes.

In plants many independent transgenic lines are frequently constructed but only a few lines show extreme co-suppressed phenotypes. The frequency of stable phenotypes varies considerably between constructs but is often quite low, of the order of one per cent. Typically for mammallan systems only a few transgenic events are analysed, we feel that success will require screening of large numbers of transformed cell lines. Mammalian tissue culture systems offer the ability to generate large numbers of transformation events, most experiments will therefore use such systems. For whole animal experiments large numbers of animals will be created, only those showing extreme phenotypes will be maintained as lines.

Another critical consideration is the unstable sectored name of co-suppressed phenotypes. Co-suppression would be extremely to detect if biochemical or molecular markers were analysed since variable intermediate values would be anticipated from sectored gene inactivation events. For this reason we have chosen to analyse easily scored markers. Viral immunity in tissue culture offers particular advantages since it is an easily selected phenotype. In other experiments we will use easily scored visible markers which can be readily used to score unstable sectored gene

Research Programme

An outline of the research project and projected timescales is shown in Figure 1. There are two broad aims:

Objective 1: To establish the existence of co-suppression in mammals.

To increase the likelihood of success and establish suitable models for the later stages of the programme three independent strategies will be pursued:

1.1 Create viral immune lines by expressing viral sequences in stably transformed cell lines.

We will use lytic viruses for this approach since cell lysis provides very simple screens and also offer the ability to directly select for potentially rate transformation events which might create viral immunity. We will conduct parallel experiments using two unrelated viruses, a simple single stranded RNA virus (Sinbls alphavirus) and a complex double stranded DNA virus, Herpes Simplex Virus I (HSV I). Both viruses are very well characterised and isolates, clones, cell lines and expertise with their manipulation are available to us.

Mammalian cell lines will be transformed with constructs designed to express viral sequences driven by the strong cytomegalovirus (CMV) promoter. Sequences to be expressed will include express all virus sequences,

Por viral polymerase constructs large numbers (approximately 100) of transformed cell lines will be generated then infected with the respective virus. For cells transformed with shotgun libraries very large numbers (hundreds) of transformed lines will be generated and screened in bulk for viral immunity.

Any lines obtained from such experiments will be used to more precisely define molecular and biochemical characteristics of co-suppression as outlined in Objective 2.

1.2 Inactivate the expression of nuclear genes using a simple visual reporter system.

To create a simple visual reporter we will stably transform cell lines with constructs consisting of two genes, one will express a trans-regulatory protein which will normally repress the expression of the second gene specifying a simple visual marker gene, the green fluorescent protein (GFP). To detect co-suppression we will target the repressor for inactivation, as a consequence GFP expression will be induced which can be easily assayed visually. To increase the likelihood of success we will prepare two sets of constructs using two different repressors, lac (Figge et al. 1988) and tet (Shookett et al. 1995). Expertise with these systems are available in house.

Cell lines will be transformed with these marker constructs. Cloned lines will be selected which show little or no background expression of GFP, but high levels of expression when induced by either IPTG (for *lac*) or the removal of tetracycline (for *tet*). Once characterised lines are established these could then be supertransformed with constructs expressing repressor sequences. Co-suppression could be simply monitored visually and co-suppressed lines purified for detailed analysis as described below.

Cell lines with such easily scored markers might also provide ideal systems for examining the effects of transient delivery of constructs as either gene cassettes, by using viral delivery systems or by direct delivery of oligonucleotide or oligonical cotides.

1.3 Inactivating pigment biosynthesis in transgenic mice.

To investigate co-suppression in transgenic animals we will target inactivation of pigment biosynthesis in transgenic mice. Pigment production in mice is well characterised genetically (Jackson, 1995), by targeting a single gene, tyrosinase, pigment production can be completely inhibited. This provides a simple visual assay, albinism in black mice, but more importantly sectored gene inactivation events could be easily detected. Furthermore since melanocytes can be teadily cultured from manuse animals this system offers the ability to undertake molecular analysis of gene inactivation events.

Constructs using the CMV promoter driving tyrosinase eDNA constructs will be prepared and used to micro-inject mouse embryos. Gene inactivation events will be monitored visually and animals showing evidence of extreme albinism will be used to establish lines. Melanocytes will be culture from such lines which will be subjected to detailed analyses as outlined below.

If no evidence for co-suppression is obtained from these experiments the programme will be

Objective 2: Molecular and blochemical characterisation of co-suppression in mammals.

Material developed from Objective 1 will potentially provide systems to study mammalian cosuppression and viral immunity using both transient and stable transformation of mammalian cell lines as well as whole animal systems. These resources will be used to undertake a detailed molecular and biochemical analyses of co-suppression. The aims of these experiments are to develop techniques which will allow the targeted inactivation of viral or nuclear RNAs at high

Cell lines obtained from 1.1, 1.2 and/or 1.3 will be characterised to determine molecular characteristics of co-suppression. Studies will concentrate on defining molecular characteristics

of co-suppression, purifying components involved in the sequence-specific destabilisation of RNAs and developing improved strategies to control the process.

Molecular characterisation of co-suppression.

Any sequences, including sequences isolated from shotgun strategies, will be re-tested to confirm their effectiveness. Transgene expression in co-suppressed lines will be examined using Northern blots and nuclear run-ons to determine whether gene inactivation occurs posttranscriptionally as seen in plant systems. Since multiple integrations correlate with co-suppression in plant systems. Southern blots will be used to determine any influence of transgene copy number.

In plants emerging evidence indicates that quite small sequences are targeted by co-suppression. The stability of various deletion and/or chimeric RNA sequences will be analysed in co-suppressed cell lines with a specific aim of defining precisely those sequences recognised by the RNA degraditive process. The compilation of such data using a number of systems might suggest design rules for targeting particular RNAs.

2.2 Biochemical analysis of co-suppression.

A central issue with co-suppression is the basis of sequence specificity. Watson-Crick base pairing must be involved, therefore some form of nucleic acid must determine this specificity. The establishment of stable co-suppressed lines will offer the opportunity to purify those coinponents involved in specifying the destruction of particular RNAs. An in vitro assay for RNA stability will be developed and use as the basis for purification.

An In vitr assay for sequence-specific RNA degradation will be established. Using this assay factors which confer sequence specificity and are unique to co-suppressed lines will be purified. Particular emphasis will be placed on defining any nucleic acids that might co-purify with such activities since such molecules presumably determine specificity and are therefore potential targets for manipulation.

2.3 Optimising co-suppression in mammals.

To effectively manipulate co-suppression in mammallan systems approaches that result in complete, stable gene inactivation at a high frequency must be developed.

It is anticipated that experiments 2.1 and 2.2 will provide rational approaches to specifically target sequences to achieve such an objective. Moreover ongoing experiments using viral resistance in plants indicate that novel types of constructs can be prepared which yield a higher frequency of stable phenotypes (M. Graham; unpublished data). We are currently extending this work and would anticipate that improved design rules applicable to mammalian systems will emerge from this work. Factors being examined include the use of multi gene constructs, the use direct and inverted sequences and the design and use of RNA stabilising sequences.

Money

2 Research scientists, 2 research assistants x 3 years
The production of transgenic mice to be contracted out, \$60,000
Patenting costs.

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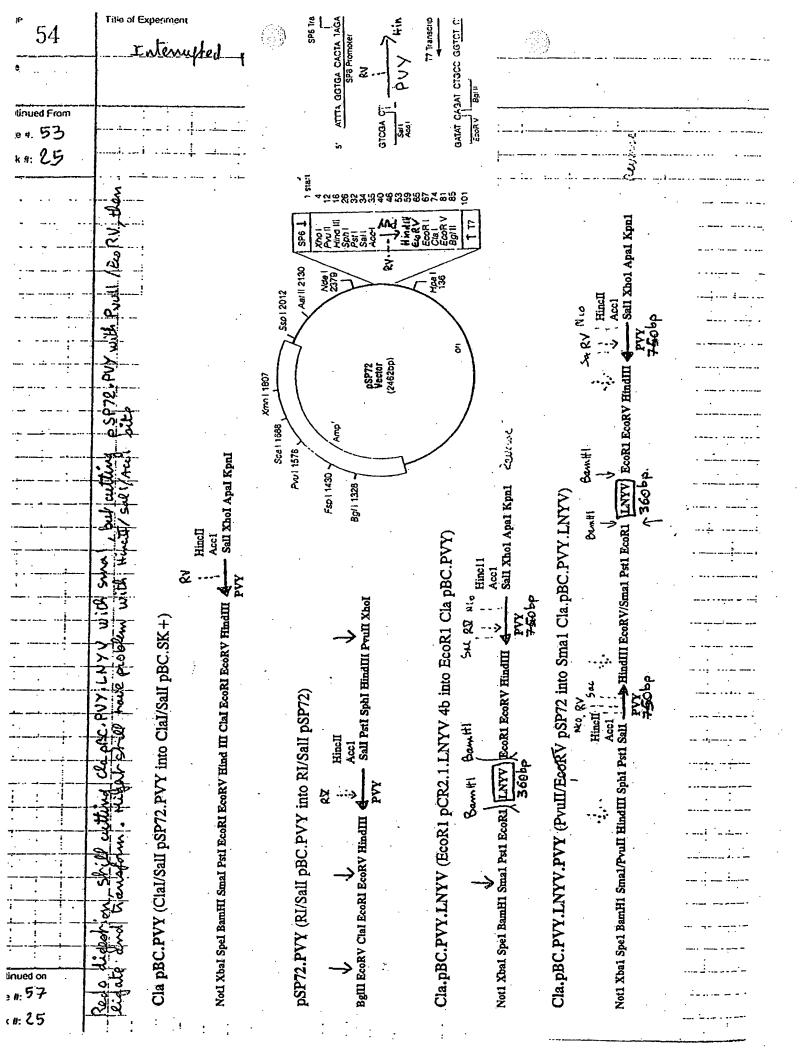
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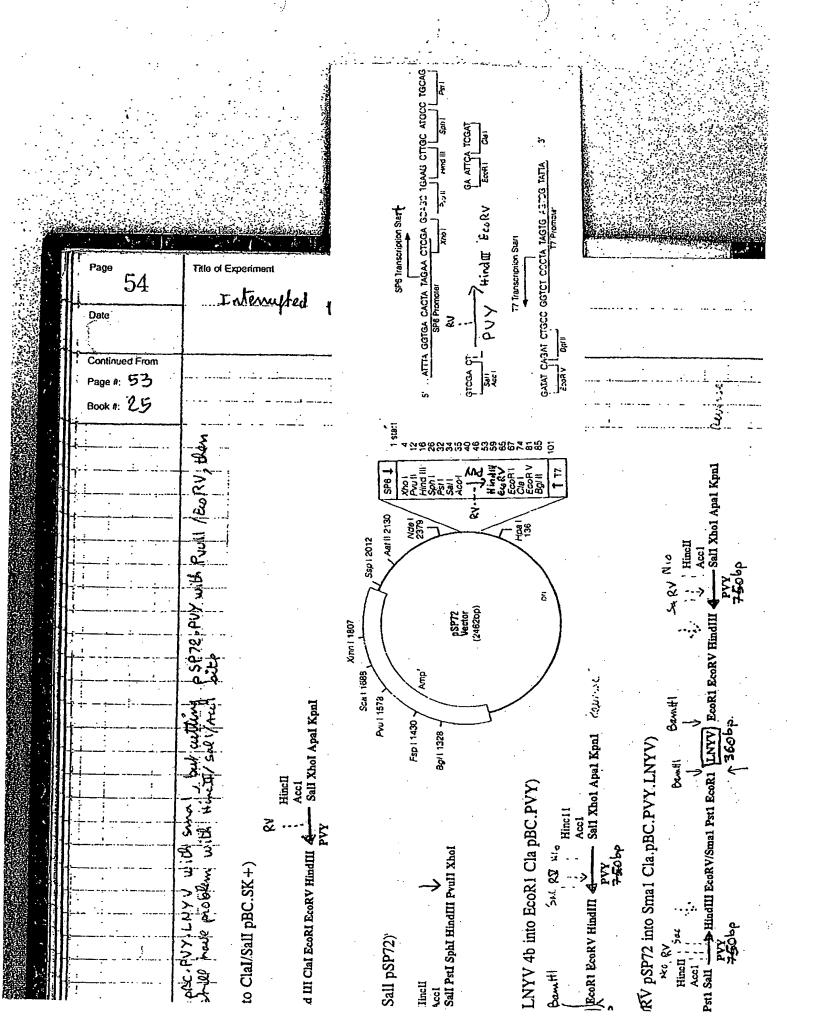
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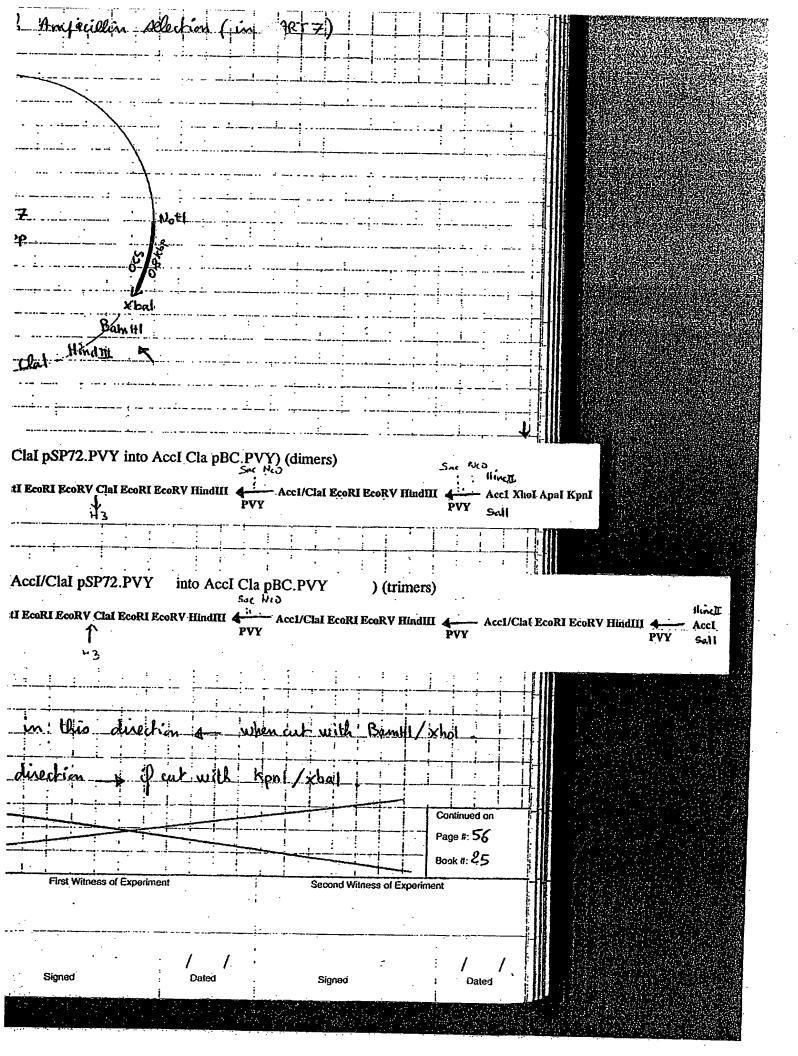
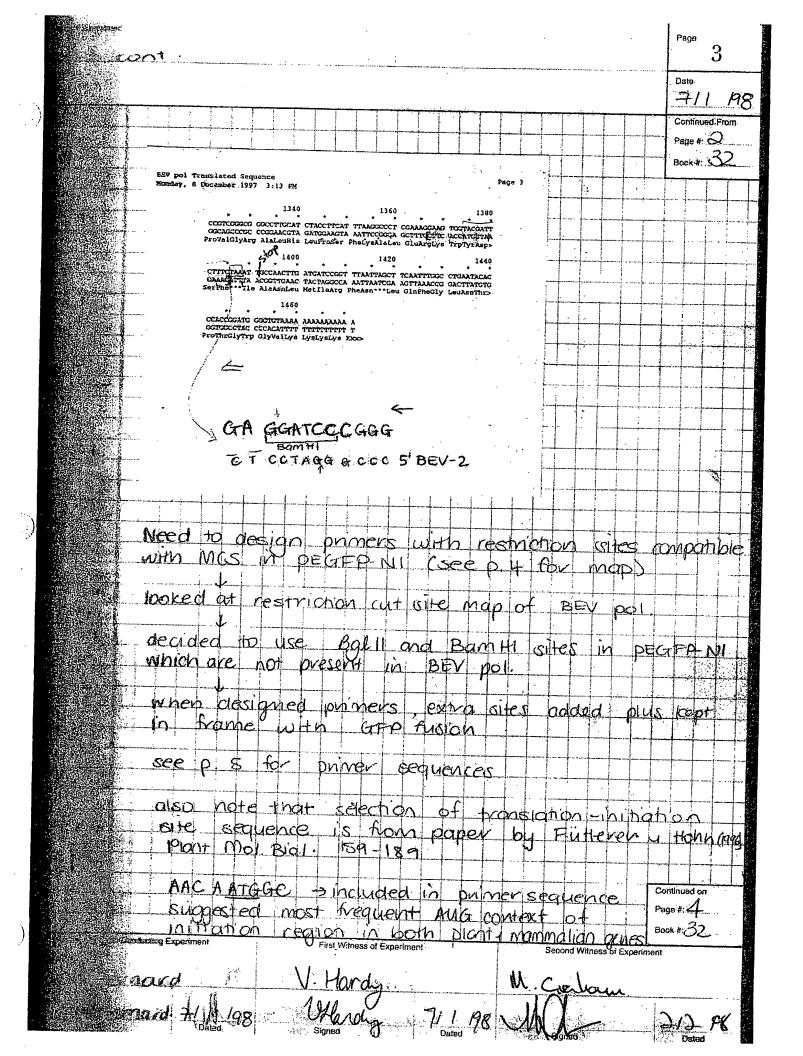


EXHIBIT 7

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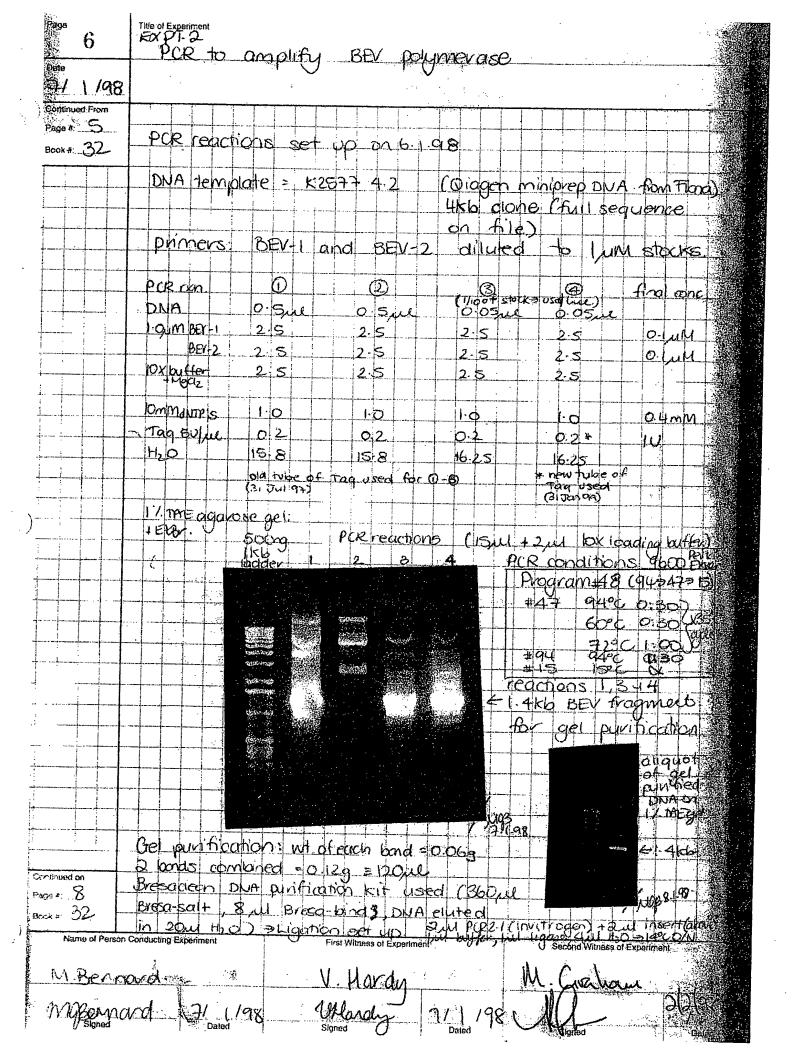
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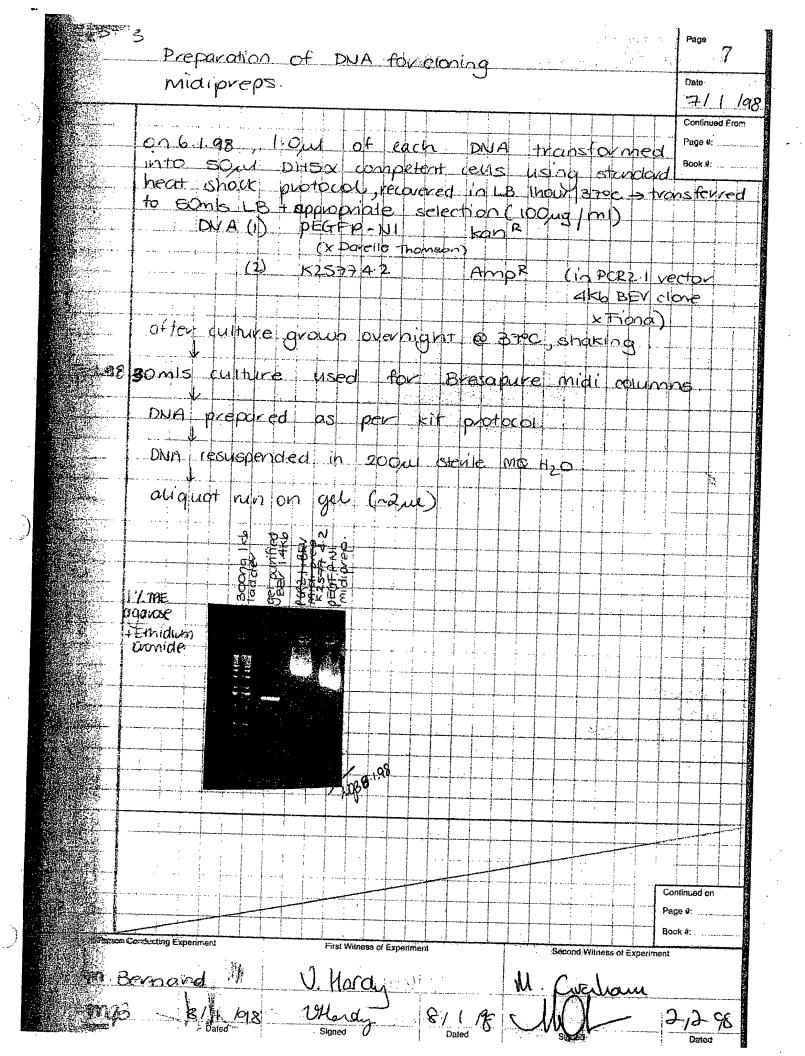


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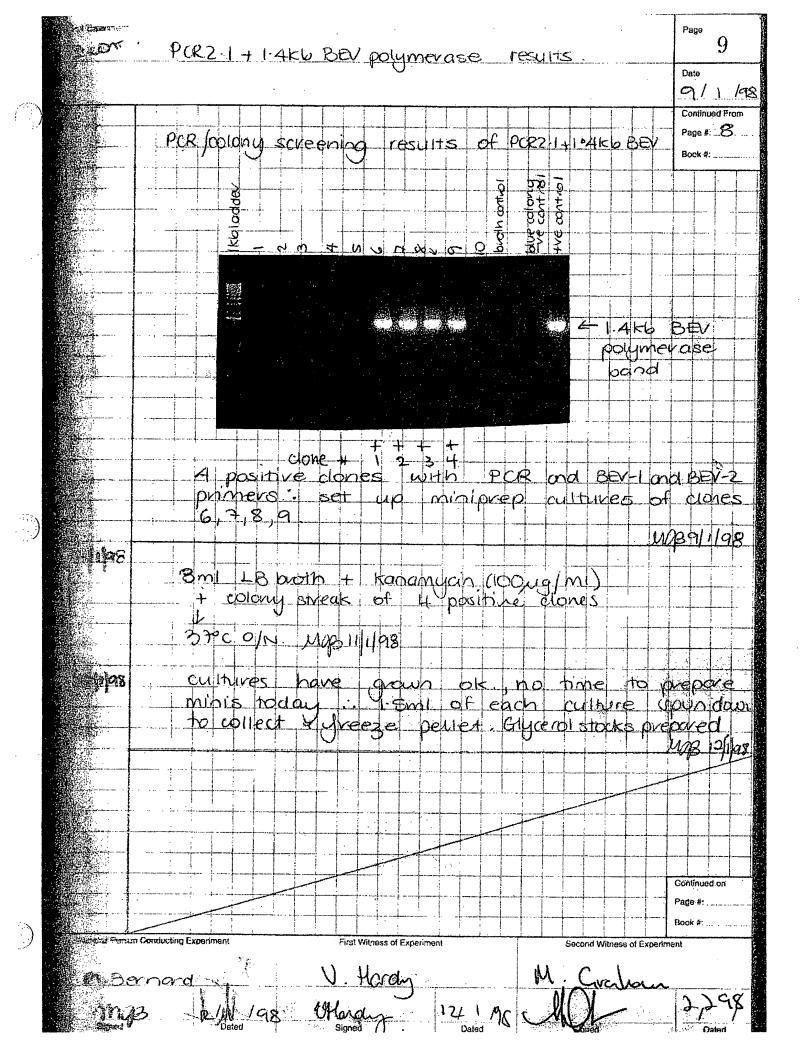
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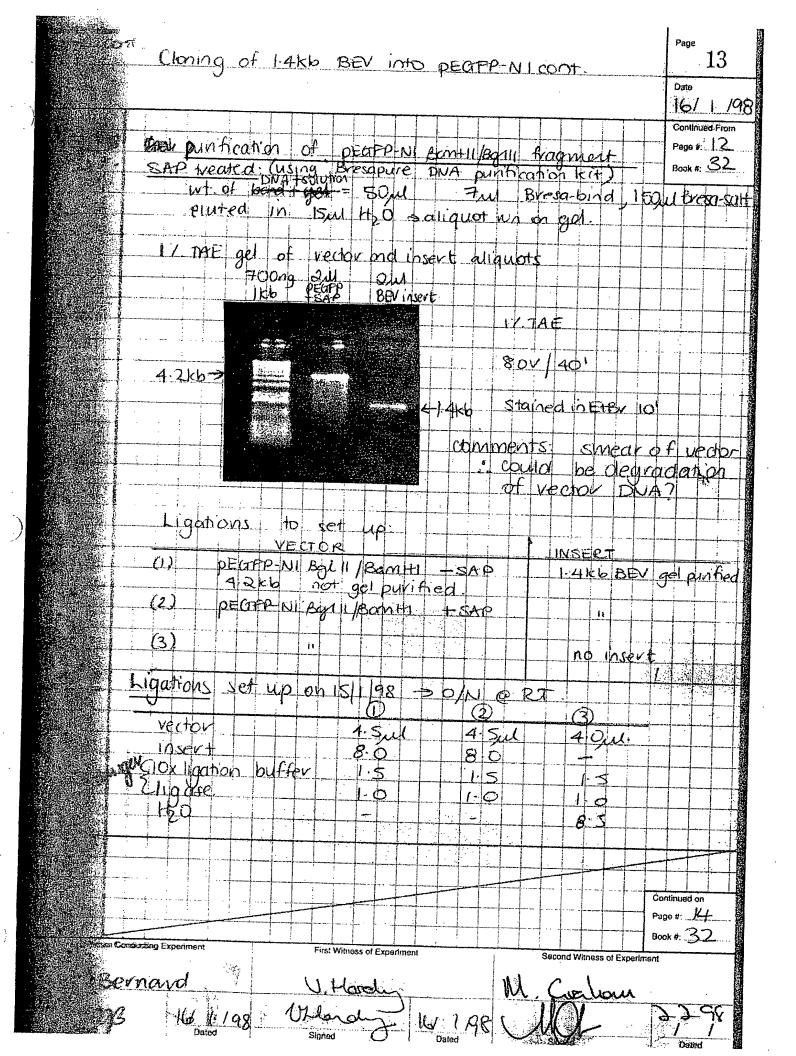


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Regul 0.5 2.0 Ramth 0.5 2.0 H, O 12.0 Hotal algest nun on 1.5% TATE gell GOV 125% stained in ethicilium bodinice. Song cline erkaltedy Sons vector band Regul 8.5% stained in ethicilium bodinice. Sons vector band Regul 9.5% stained in ethicilium bodinice. Sons vector band Regul 9.5% stained in ethicilium bodinice. Sons vector band Regul 8.5% stained in ethicilium bodinice. Sons vector band Regul 9.5% on the bodin 9.5% on the same that sife, pasitione in the line of the same that sife pasitione in the line of the same that sife pasitione in the line of the same that sife pasitione in service is a second of the same that sife pasitione in the line of the same that sife pasitione in service is a second of the same that sife pasitione in service is a second of the same that sife pasitione in service is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that sife pasitione is a second of the same that same tha											۶	۳ . د	3		i	r	. ,410.00				<u> </u>		ļ	1					
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Tetal digest him on 15% TAF gel. Gov 25% stained in ethidium bounde. come experient come experient some size of the bond BEV spill/Bentent ketter band fragment ketter ban				-	1 1	2	O٠	o l			7	0.	ō_	<u> </u>										ļ					
Total digest run on 15/ TAE gel. QOV 135' stained in ethidilui bounde. soog clone experiency is sont rector cond tethod and selly Bentin like band fregment Ike	* *									<u> </u>		219	500	14	ıkx	2	ad	ded	124	AL	j	γά,	100	WY	13	790	<u>:1:5</u>	his	1
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Governments: Vector PCRO-1 ros a Agell and Samith sife, position 123 and SS3 respectively expect to see gell another 2 conds along with the insert of see gell insert band (OFV) Vector rands 10 3-4-01cb 12 select clone for firther works (Cone=1)	***************************************		1	øto	1	dί	ae:	5	Y	U	<u>h</u>	07	1-10	5 :/	_1	ME	G	ولم						ļ				_	
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Consider the conditions of the		++-															1 }	∑ Ы						Ų.	ļ			1	4
Consider the conditions of the				.i. :				1.1								7.			<u></u>			<u></u>							
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vector bands 3.03-4.0100 PCEZ 1.03-4.0100 3900 Next: Select clone for firther work (clone#1) set up digeols to make ptopp-NI-ABEV Book # 32				1 :	l I	- 1	. 1	1	1		\ . \		4	1								-	- 7	<u> </u>	ليسمسه	Off	<u></u>	+	
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Select clone for firther work (clone#1) set up digeols to make people all ABEV excert 32			1.	N.		, .									<u>:</u>											- 4	4	1	
Page # 12 set up digeo'S to make pEGPO-NI-ABEV		•	- -	1 1				~(~	n.c	 ,	4		٠£,	المار		_	,		بعل	_	_	<u></u>		f= (7			4	
Book #: 32	Continue	don		:		i	į.	;		. 1	1		1 !	1 1		- 1	i			7.1				· 1		1/			
	Page #:	14	+	C	PT-I	-	LA.	!		ry;	P. (1)	د		LU.	K.	·W	SK.		-14	أكشي	<u>, </u>	_ 0 Y	J		باب	7	· · · · · · · · · · · · · · · · · · ·	 	
Name of Person Conducting Experiment First Witness of Experiment Second Witness of Experiment	Bock #:	22														i :	. !			2 m 21 mules	.	- 1							
	N	ame of Perso	n Conducting	Ехреп	ment						First	Witne	ess of	Expe	rimen	!	, <u>i</u>	··:	!-			Seco	nd W	liness	of Ex	perim	ent.	. ;	177
M. Bernard V. Hardy M. Cuzham	1. Cl	M 173 -	_ 3	. .		<u> </u>	į				1 1	_ a -	ا				:			i	X	1	^	1	_			-1	

	Cloning of 14th BEV fragment into PEGFP-NI	Page 11
		Date 14/1 48 Continued From
127	Aim: to digest peater NI midipped DuA with Ban Hr and Ban III and use Ram HI/Ball BEV polymerase as an insert	Page #:
	Method:	
	Digests	T manage of the control of the contr
	Bookings 450 800 BS111	6.0 ml 9.5 :
	Barn 41 1.0 H.O	1.0 14.5 26.0
	· incuboted 37°C / 1.5 hrs, 1.5 v. TAE agardse gel · total digest of BEV clone +1 run on gel over 51 · aliquot of peupp run on gel.	anes
	lane 1 500 ng 156 2 2 m peup NI undut midi 3 2 m peup NI digest -> need to treat digest 4 2 m peup neut mini prospratuse as Bajlil as 5 leul pul 2 HBEV#1 digest are companhae: inil re	a Bomth 👪
	7 " 1234567 TOTAGA CETAGA GGATCT BOUL	
	# 4-2Rb vector band 16- 16- 16- 16- 16- 16- 16- 16	1.00
		iontimued on
	Conducting Experiment First Wilness of Experiment Second Witness of Experimen	age # 12 ook #: 32
MIR	nevol 4/1/98 Whendy 14/198 Whendy	99 dk

. 4

Page Title of Experiment Expl. 4 cont	
Cloning of 1.4kb BEV into PEGFP=NI cont	
Continued From ON 191198 Preparent of more insert as take 6000 vesteration	
Book #: 32 Misplaced. P(R2-1+BEV #1 20 Oul	
10x buffer in 50 100 incubated 37°C/1. Shows	
Bamtil 1.0 digest run on 15%. THE gel 804/35'	
50.0	
Gel punification: see botton	
PUR2:1+BEV CITY Phosphatase treatment of Spril/Banith work pEGFP-NI BAIN/Banth:	
espination of conc = 0.25 mg/me = 250 ng/me	
use 1/2 of digest ~ loud = 2/5 mg. 2-5 mg 3.04 = 5 mg mol of ends	
Out out out Roy all some sends of Shrimp Alkaline Phosphotos en Camersham Will & 1:10 dillation to	
Gel aurification using Bresapure DNA purification tite.	
Crel auxification using Bresagure DNA auxistation E.F. Mills	
wt of bands + get from yesterday = 025g Bress-salt	
from today = 0.279 = 220ml: 660ml	
but Bresa-bind used for each tibe	
DVA eluted in 15, ll mo Hab Aliquot run on 1.5% THE	
Get result on p.13	
Consinued on	
Page #: 13 Book #: 32	
Name of Person Conducting Experiment First Witness of Experiment Second-Witness of Experiment W. CuElland	
M. Borniord V. Hardy M. Coellen MMB 15/108 Whendy 16/198 What	



Page 14	Transformations of ligations from p.13
16/1/98	
Continued From Page #: 13	
Book #: 32	PEGTP-NI/Bg111 +Bam+11 + BEV polymerase/bg11/Party
	Jul of each ligation + Opick DHOX composent cells only
	80' ice, hear shock 42°C/60", ice 51
	added 450m LB broth
	THE GOLD TO THE TOTAL THE TANK
	370C I hour
	plated 100 u + 200 u onto LB + karamuan 100
	La
	3rcco/N, 4°C stored.
19/1/08	Transformation regults: CFU (colony forming unto)
	DOTP 41 HCD BEV OSAP
	(2) 7 500 CFU
	2) GFP + 1 4 Kb 60/ (DSM)
	Plate (1) 134 (Fy)
	3) GFP (F) SAP no insert control
	DH5 a control on lockan & O (FU)
	Comments:
	reduces effectionical of tracks many as expected
	- control with no insert just vector save treated shows
Continued on	background: SAP not 1001 affective.
Page 4: D	Next: screen colonies by PCR
Name of Person	Conducting Experiment First Witness of Experiment Second Witness of Experiment
M D ~ A	
ř.	Bard W. Graham
may	3 19/1/98 19 19 19/1/98 Dated

	Expt 4 cont. • PCR screening	of pure	mive pear	10-N1+8E	V	Page 15
						Date 19/1/9
	thin to amplify colonies picked	-14kb ban → Vansfe	d using 80 ned to	V-1 and 1612 1911 LB 16	V-2 puiners outh	Continued From Page #: 4
	swater mix		y Q 7			
	Me HO	19.8/11	5346m	1		
	ionman y	<u> 0.5 :</u>	<u>13:5</u>			
7 9 1 3 7	10mBEV+1	b. 5	13.5			
	10xpcr buffer	0.S	13:5			
	7	2.5	69-5			
	Tag broth	0.2	5.4			
	O.C.	1.0				
	kanninga, , , , , , , , , , , , , , , , , , ,		648 _J U	اسالا	xv Mbe	
	PCR reachons	1-17	- Inaahiaa			
			Ligation = ligation	2.	നാഗ്ഹി3 :	proknit
		~ - :	Ligation	3		
			= PUR 2.15			
	The state of the s	37	= -ve ble	100 V (1/10/	9,71-	+++5-
	Program #92	ar ent frat tempeter ent frances te ettenbetreter erreter fra em men	137575	on a	O (Aaio	
	armealing ter	0 600	35 (40)	S ON TIOC		1786 (CMO)
	300mg 68°C/101 8'11	shine off		9, 5000	51001100	700
				1 1 1 1		
	K8 90 2 3 4 5		16 11 12 14		no #12wr	DIP ALLO
		A Wilson Claim Con.			FACES POI 312	
					Misnuh	nkenna
		A Wilson Claim Con.			FACES POI 312	nkenna
		A Wilson Claim Con.			Misnuh	nleenna
		A Wilson Claim Con.			Msnuh Somewn	abenna
		A Wilson Claim Con.		41.41ds fo	Misnuh Sontewn	abenna
		A Wilson Claim Con.		-1.4.1do fo	Misnum Somewin	ncenna
				61.4106 fo	Misnum Somewin	ncenna
				#1.41do fo	Misnum Somewn Somewn Mint bands mannents: Double co	(authous
				-1.41c6 fo	Misnum Somewin Somewin Mint bands Mint bands Misnum Misnu	(automs)
				-1.4.1do fo CE OBYA194 F ILLO - F	Misnum Somewin Somewin Monds	roll has d (no plant to Hu Hu Hu
				#1.41do fo	Misnum Somewin Somewin Donats Dosttive co Dosttive co Donat Donats Donats Donats Donats Donats Donats Donats	rtiol has d (no plant to Hu Hub
				#1.41do fo	Misnum Somewin Somewin Mint bands Mostrive co Mot worke Mont bands S.6,7 ct L	rolling orthollings orthollings orthollings orthollings orthollings orthollings
				61.41ch fo	Mishum Somewin Somewin Donats: Dosttive co Conct worke Cont bonds S.6.7 ct 1.	rtiol has ching plants d (no plants d (control) with 23 d with 23 d with 23 d with 23
				61.41ch fo	Misnum Johnewin Johne	abenna ext?) (dutous rtool has d (control) with 4kbo d with 23 up from 18,22 By cond 24
				61.41ch fo	Misnum Johnewin Johne	(dutoons) (dutoons) Atol has a (no plan) (e) 140 410 410 410 410 410 410 Continued on
				61.41ch fo	Misnum Johnewin Johne	rtiol has ene?) (authoris ene?) (authoris continued on Page #: 16
		# 20.23 3	125.2607	1.4166 for CE	Misnum Johnewin Johne	(dutoons) (dutoons) Attol has d (no plant to Hh 4tho d with 23 from ,8,22,84 cond 24 Continued on Page #: 16 Book #: 32
	26 ES 15 18 19 28		125.2607	1.4166 for CE	Misnum Johnewin Johne	(dublous) Attolinas d (po plant) 4100 4100 Attolination Acounty Continued on Page #: 16 Book #: 32
	26 ES 15 18 19 28	First Witness of 6	4 25 2607	1.4166 for CE	Misnum Johnewin Johne	(dublous) Attolinas d (po plant) 4100 4100 Attolination Acounty Continued on Page #: 16 Book #: 32
	Contains Equational	# 20.23 3	4 25 2607	1.4166 for CE	Misnum Johnewin Johne	(dublous) Attolinas d (po plant) 4100 4100 Attolination Acounty Continued on Page #: 16 Book #: 32

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Page 16	Title of Experiment Expt 4 COnti-
*************************************	Minipreps and digests on putative PEOPP + 1881 denes
Date 1 / 0	
Continued From	
Page #: 15	Clanes 4,5,6,7,8,22,23,24
Book #: 32	Olagan minispin kit
	- Sml O/N culture
	eluted in 100 ul elution buffer supplied
	hext: digest with Egill and Ramth , which should release
	The state of the s
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
21/1/98	Digests on above minis
	L
	DNA: 5 Que ; control
	10xbufferm 20 180 DEGPP-NI QUE DE
	Byl II 05 4-5 Cust with Byl II Ram + III
	H20 120 1080
	20.0 135.0 15. gul/vbe
	+ soul DIA
	370C 11.5hrs, +3ul 100
	1/2 of digeof run on 1/2 me
	GU BSV EDMINS
***************************************	Houng miniprep digests / By I and Bom the digest
	This a s 6 7 8 0 2 23 Ru cut would
	CUT WALT
:	
	3.0. E 1
	tound tound

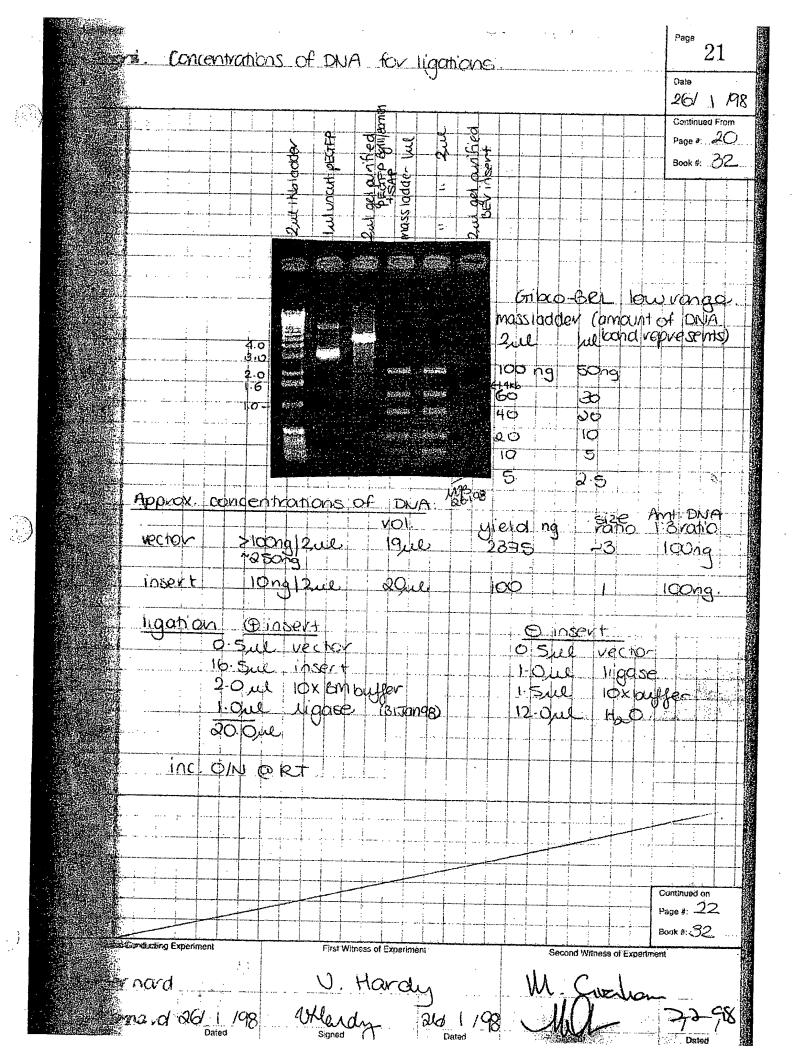
	Results not as expected, no 1.4kb visible with any
	of the digests; -28kb land (not dear) with minis
Page #: 17	4,5,6 and 23, which could be a dimen of ax 46 ?
Bank 32	SCOND DOLD NOT COVYPOT \$120 YOU WANTED TO A STATE OF THE
1	aon 7 look good > set up ligation again?
i i i i i i i i i i i i i i i i i i i	
<u>i m. Be</u>	mardy M. Greaten
J	Bernard 21/1 98 Whardy 21/1 AS Wards
YY)//f	Bernardon 198 Wardy 21/1 AS W Dated
	// Water and State of the state

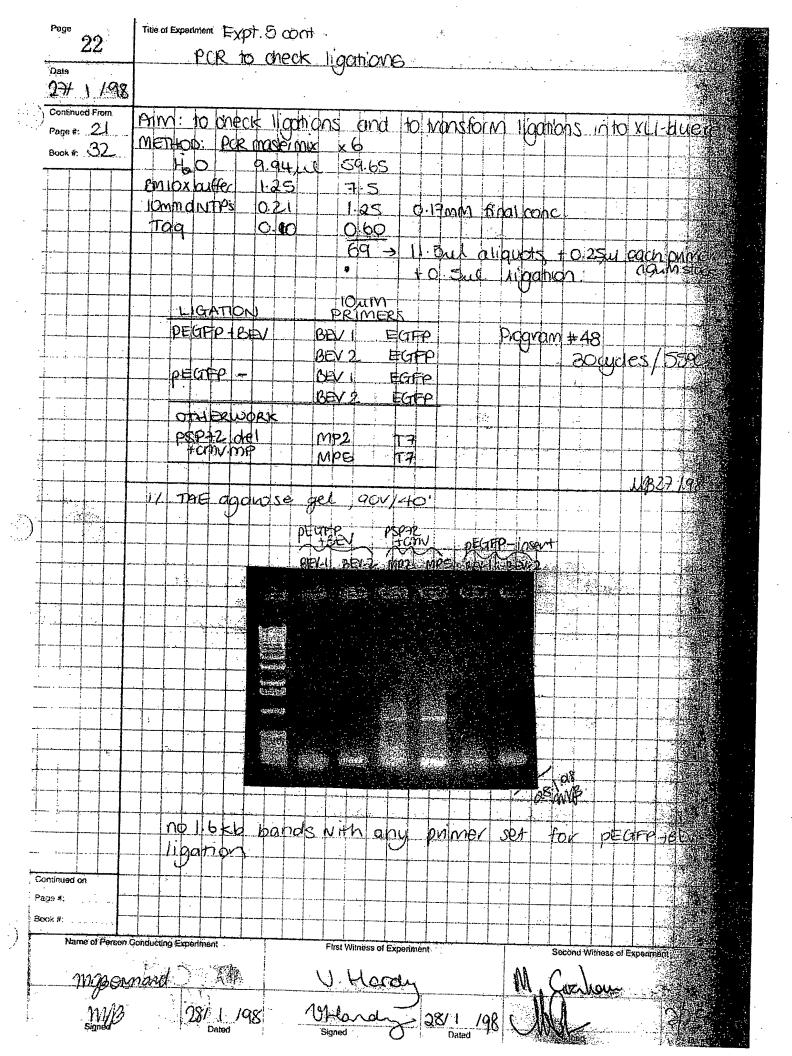
EXPT. 8.	Rese
New ligation of pectfp-NI +BEV	Page 17
	Date (O.)
Aim: to set up new ligation using less vectora	Q1/1/98 Continued From
move insert and some new ligase	Page #: 1.0
ieinot.	Воок #: 32 ·
located new source of ligase perenninger ox	(RPADI B Q
located new source of ligase (Boehninger ex	17)
Ligations	
pe GTFP-NI/BGLII+EamHI+SAP(p.B) 22	
10 x ligation buffer 1.5	
ligase 10.	15
controls to check efficiency of new ligase.	
E ligare	O ligase
pearpon Ni /Balliteam HI (p. 11, lare 3) 2.0	2.0
ligase 1.0	
IF 0 10·S	(1-5 S-0
all ligations includated on @ 400 sec	overed in 800
TO THE PROPERTY OF THE PROPERT	110BO11-98
PCR to check ligations and wife form	
ZULDP GOWNSTECHN NEW VIDEY W	me (Rompy)
+ BEV-1 ov BEV-2 (veverse primer) Bell 14th Commer)	
can expect 2 orientations >BEV-1 pontil	
	ward
	6th hagment
	vevse
Mark 7-5 BHI W FORP (intisense)
1	1.6kb.
69 Adisposed into 111 Sul aliquots	Continued on Page #: 18
+ 0. She light on reaction	Book #: 32
First Witness of Experiment Second Witness of E	xpəñrdeni
V. Hardy M. Cuello 22/1 98 Whendry 22/1 98 W.	
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	Paga 1 O	Title of Experiment Expl. Scort.
	18	PCR results from ligation + Transformation results.
	Date 101.0	0 20 20 20 20 20 20 20 20 20 20 20 20 20
	23/\ IQ8	
;	Page #: 17	
	Book #: 32	PCR reaction Primer/s
		(1) ligation (Entry-BEV (1) 17) EGTP-1BEV-1
		(2) EOFP+BEV-2
		15tb (1) (2)
		Result: no 1.6 kb fragmoit
		with BEV-1 primer to focustion
		41-646 overtarion recombinants
		Holowith BEV-2 prince
		reverse orientation or online
		recombinants in ligation:
		Transformation results after on @ 3700
		# colonies
		BEXT PEOFP piate (1) 2 CFU 100ul
) 	(2) 2 CPU 80ue
		Digase control 65x8 CFU loque O ligase control 9 CFU loque
		O l'gree control 9 aFU/ vocace
		-ve convols (n. blue) on Kipo (Fig / icogile)
		No ligation mix left as added voic to light instead of MI-ture
		Comments:
		only 4 colonies to agreen Com Konstornation
		- something with wonstaments other work
		done in carattel elarger nois colories obtained
	· · · · · · · · · · · · · · · · · · ·	Could plante out more templormation but mail
	· · · · · · · · · · · · · · · · · · ·	better off starting again 0
	<u> </u>	Decided to iscreen 4 colonies by PCR (BEY-Ind BEY 2
		phmens) + old ligations from 45.1.98
	Continued on	THE PROPERTY OF THE PROPERTY O
	Page #:	See p.19
}	800k #.	
	Name of Person 6	Conducting Experiment First Witness of Experiment Second Witness of Experiment
K(ideal)	30 Q 2 / 10	
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! j.,	Mosem	and 124 1/98 Whondy 23/1/98
,	2Signed	Dated 5 Signed Dated Dated

PCR to check colonies +old ligation(15198)	Page 19
	Date 22 1 198
BEV master mix for along screening	Continued From Page #: 18.
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25 2-0	
15um Bev-1 025 20 Program 48 494 Bev-2 0.25 20 20 2040 0030	940,0190
em Tagayal O. 1 0.8 #49>8500 0.20	7 730
C7200 1100) ceptes
12.5 96 -2 12 ul disponsed por jube + 0	15°CX.
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5 K257742 06 M of 1:10 din	
6 PCR2 1 + BEV CLONE# 1 d'GLCL V VECTOV ONLY COLONY FLORS CONTROL TRANSFORMA	
(religiated up (too)	
B busty only (-vecontrol)	
ligation	
PEUTP-18TV (P.18) = ligation 2	
reaction primers	
OCV-1+ ECTP	
3 control peared Ni voctor 32 Early which other place	76 200 401
The plant of the p	MARY 19
1 DAE Groupe op.	
110ah(p) r no 1616 F7	
topical indicate	eo no
1.6Kb >= recombing	anon.
1-6ths bonds wi	in pearly a
results: no positive ciones from colonies 1-4 caldoit really of find one), controls all ok. Maybe colony PCR not	again.
moderne one), comois all ok. Maybe colony PCR not Poo	ntinued on ge #: 20
without are plasmid DUA NEXT: STROT AGAIN PORTS	* 32.
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First Witness of Experiment Second Witness of Experiment Wardy Daled Signed Signed Signed Second Witness of Experiment Second Witness of Experiment Daled Second Witness of Experiment Daled	
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Page .	Title of Experiment EXPT. S. cont
20	Cloning started again PEGFP-NI + 14KB BEV
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Page #: 19	
Book #: 32	Ve CHOY PECIFIP-NI INSERT BEV from PLEZ HOEV
	midiprep DNA 10me done#3
÷ - - -	BMIOX buffer m 2-5 DNA(miniprep #3) 10. Out
	+ HaD + 1 10.5 10x64ffer m 2.5
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	incubated 37°C/1.5hrs
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	Dephosphonylating vector (using shrimp alkaline phosphatuse)
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	to obul aigest
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	- inc 370c/Inouc
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	vector 0.11a = 1011 330 Paul Campbell
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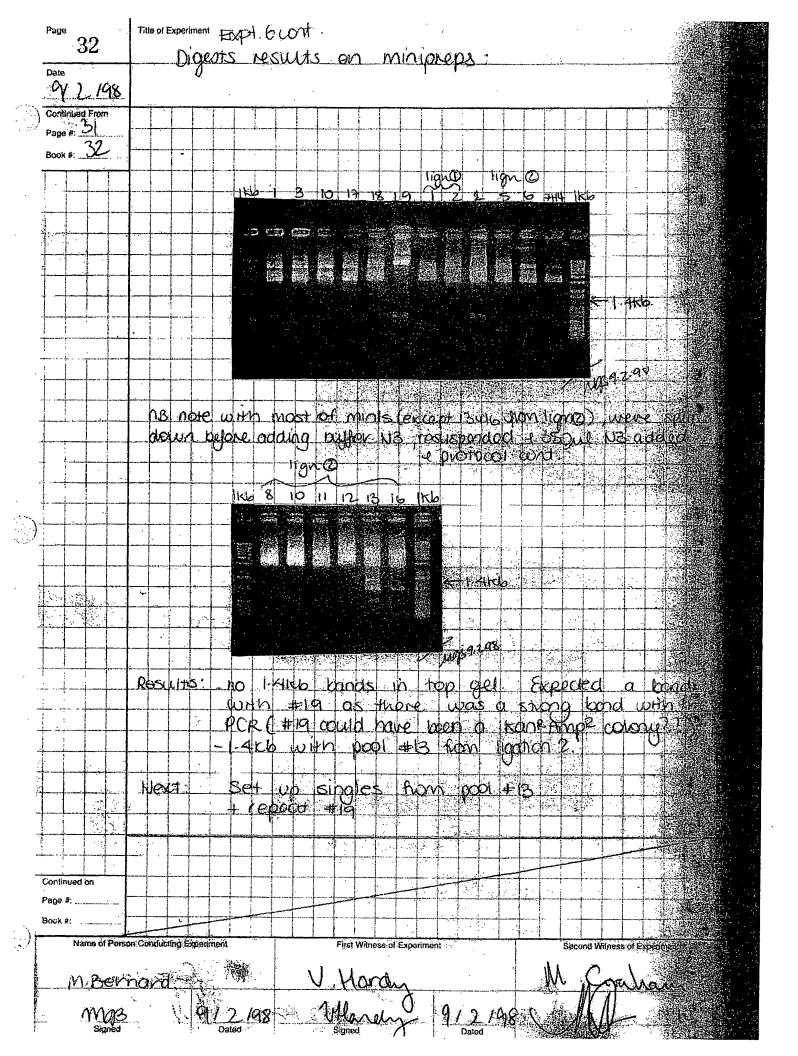


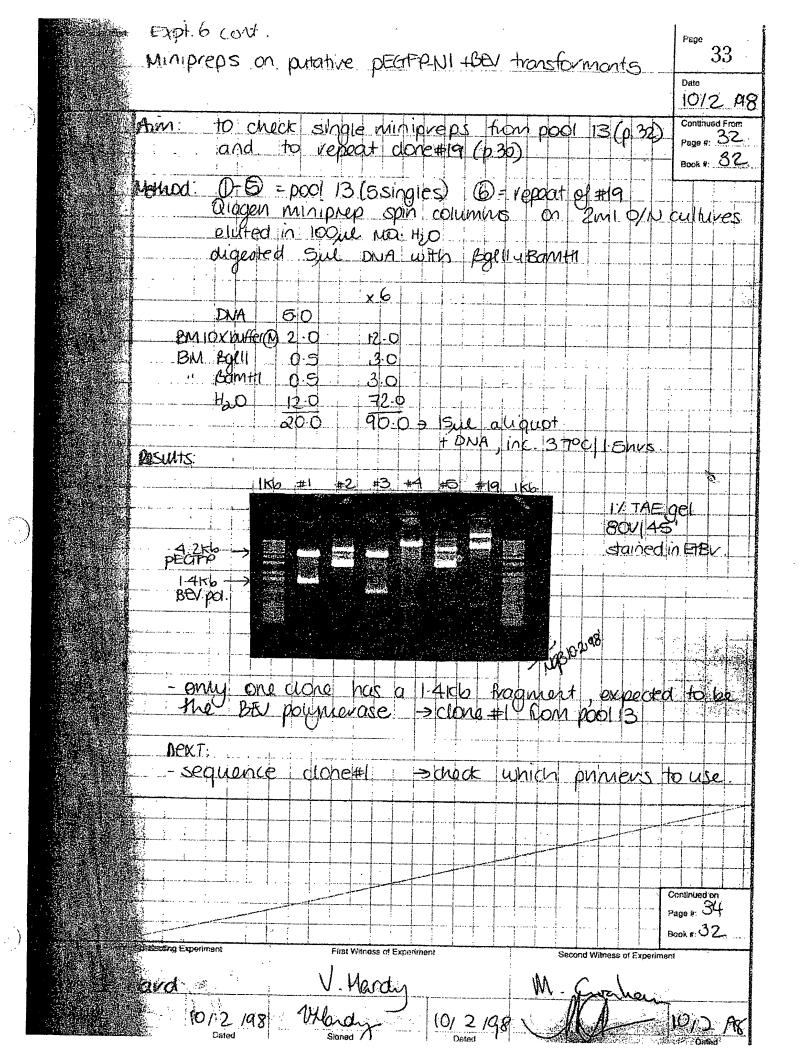
di Higgaren Page Transformation 4/2 198 Continued From Ann: to transform 2 ligations Page #: 26 from p.26 into Disa chombrally Book #: 32 competent cells prepared yesterday Method: 10 rul DHEOX lign 1 (14 1-98) 11gn 2 (2298) ipy pucis 1 ml of logful delution (used indirector pictor stock ionglie to prepare difficultation) 50/19 pugs -ve control ice: 20-30 heat shock 429/90', recovery in 900,000 plated out 100 200,00 outo kan 100 maj mi or imp longimi plates. 104.0/N@3790 conducting Experiment First Witness of Experiment 1 2 198 Whandy 4/2/98
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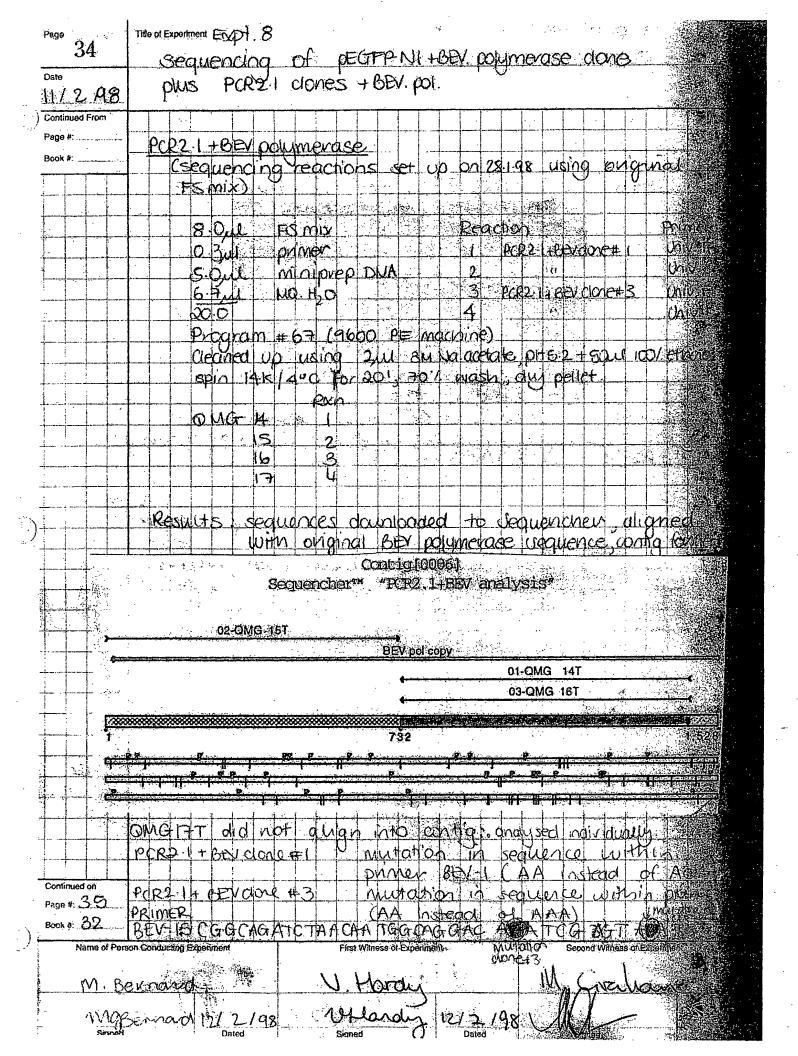
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		Page 29
	Counterselection results 4 PCR screening of putative transformants	Date
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		Continued From
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		Book #:32
	37 kan e colonies from ligation 1	
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	66 kan colonies from ligation 2	
	PCR screening:	
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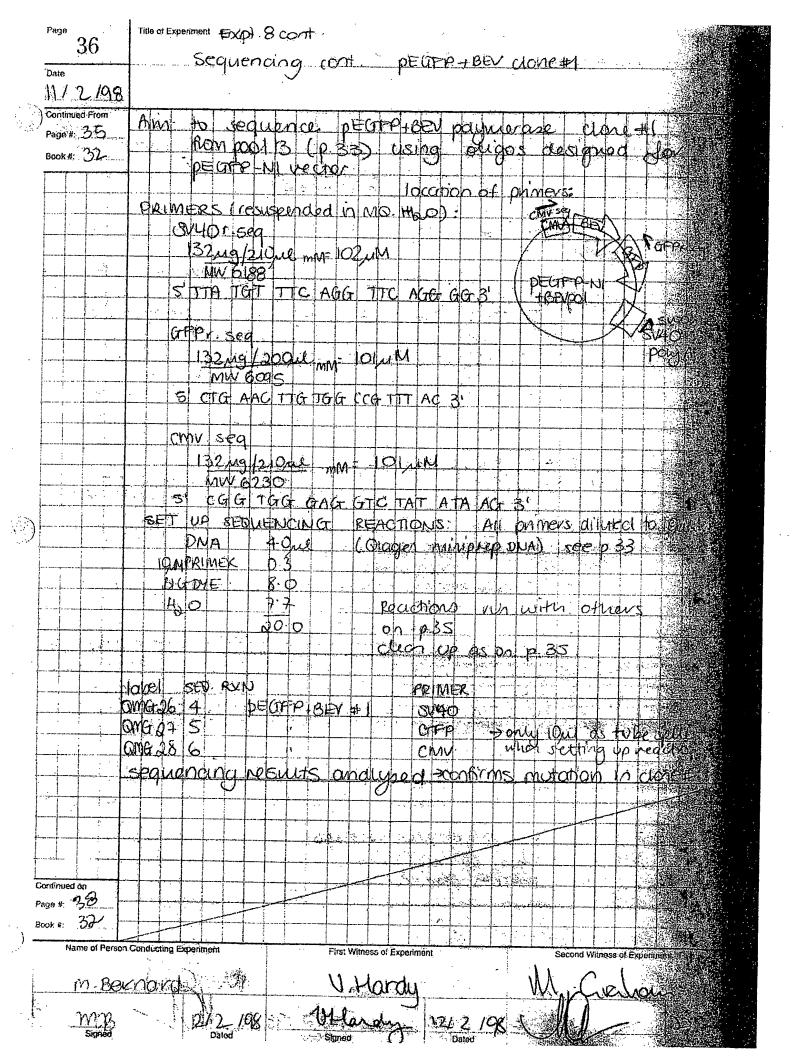
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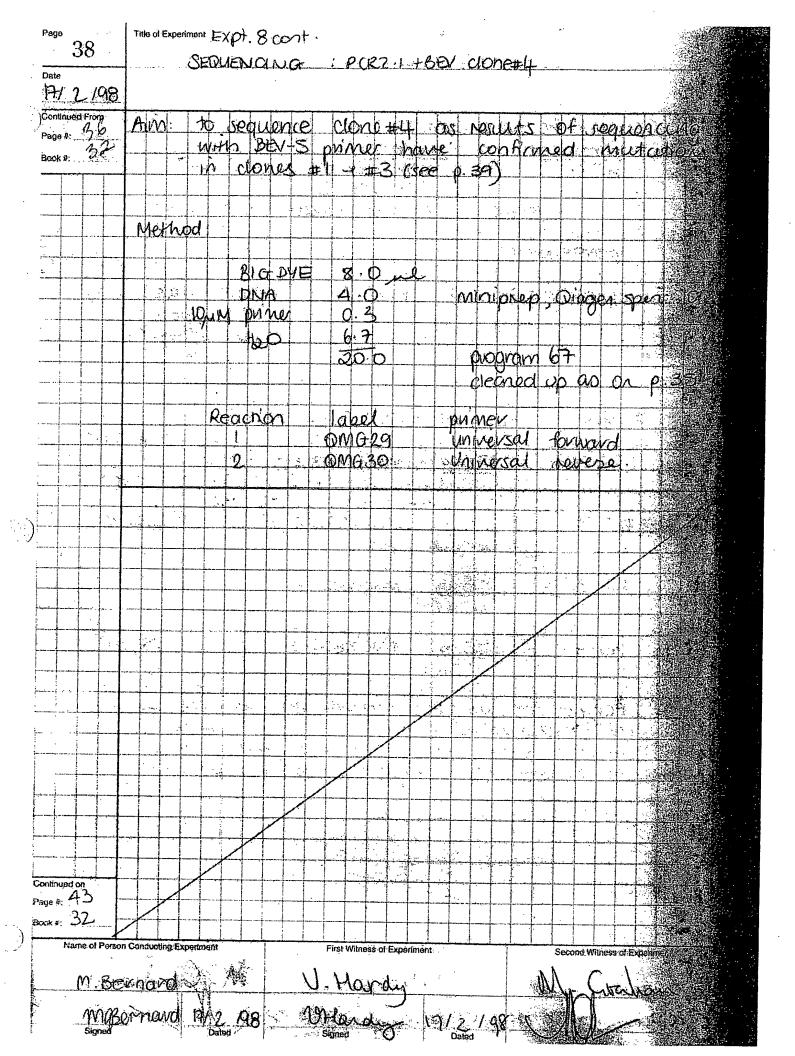
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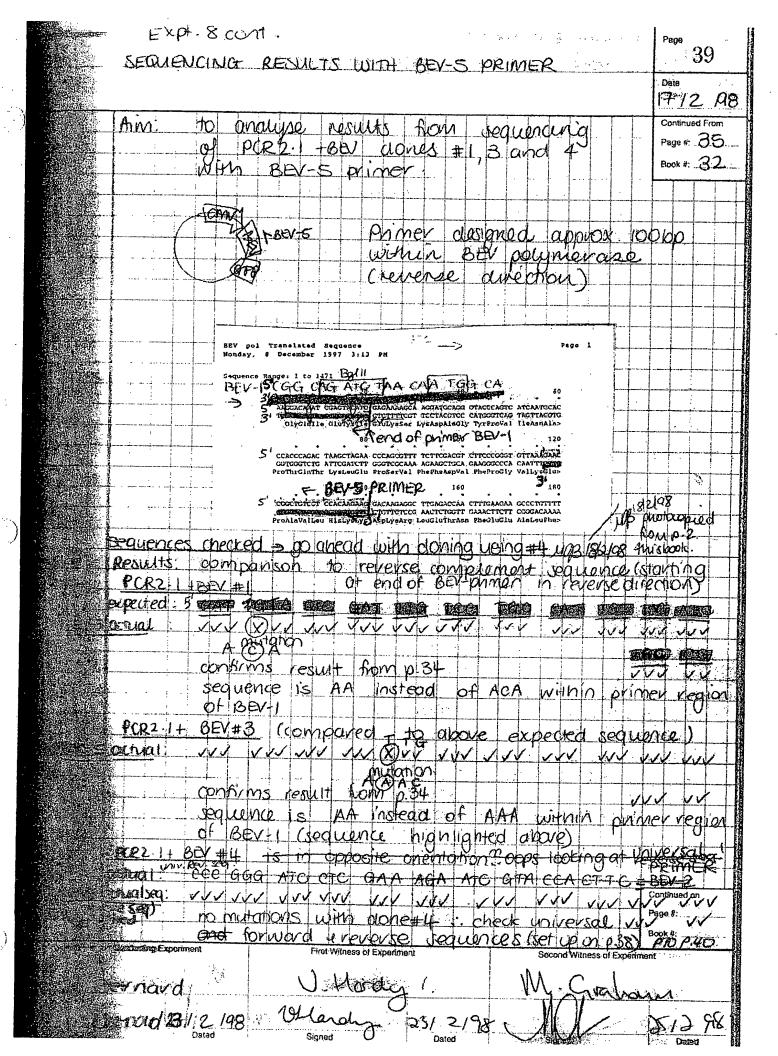






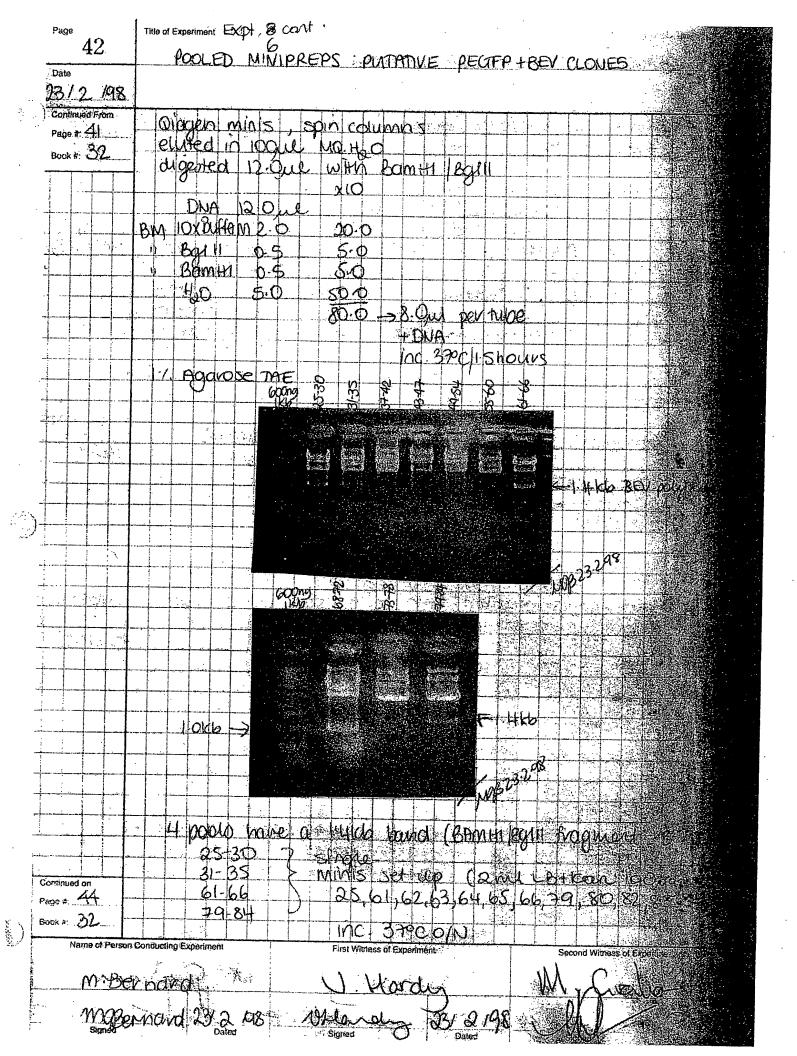


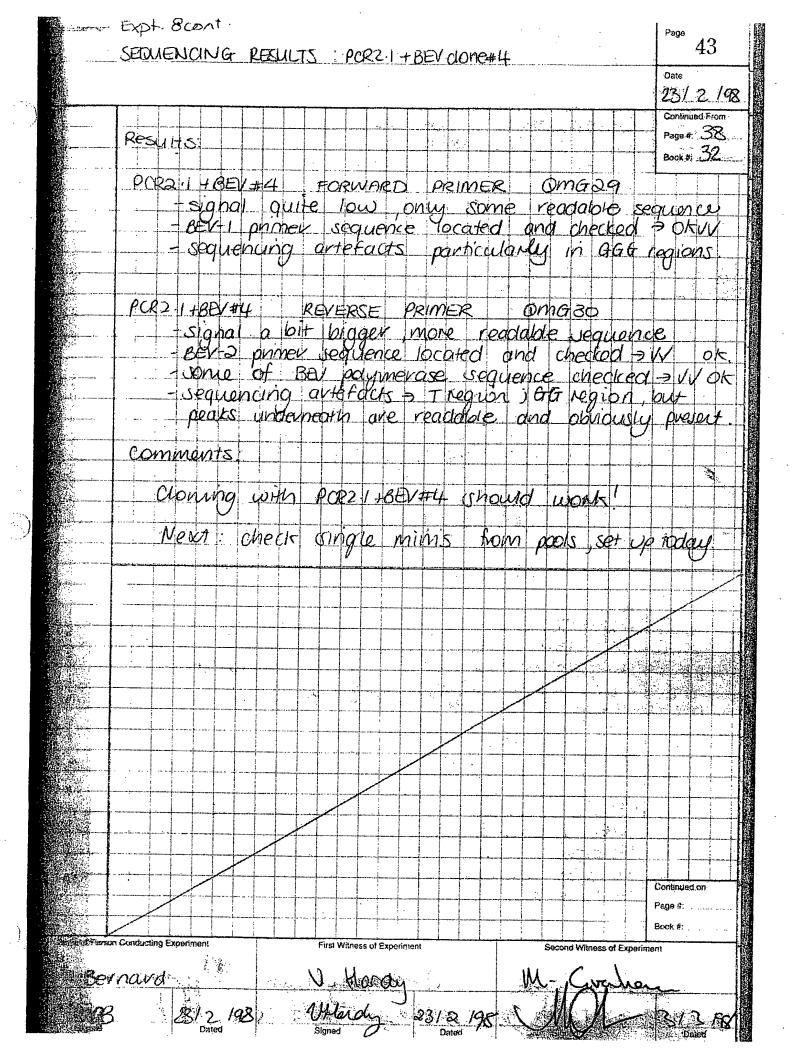


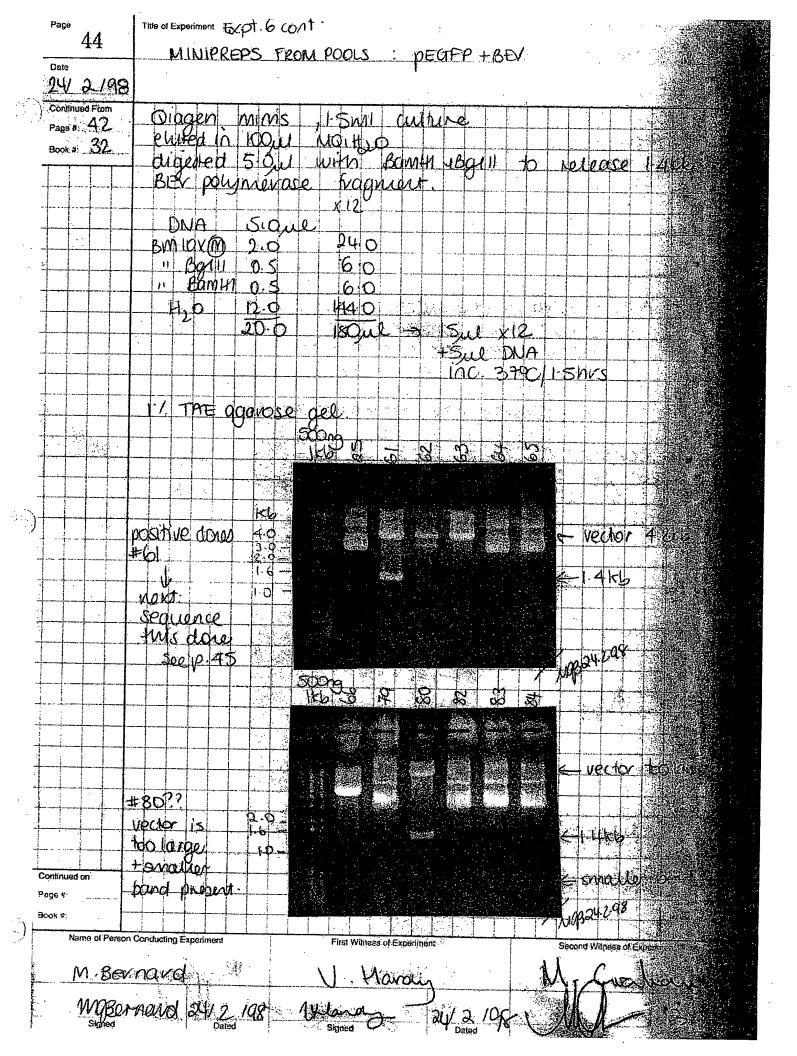


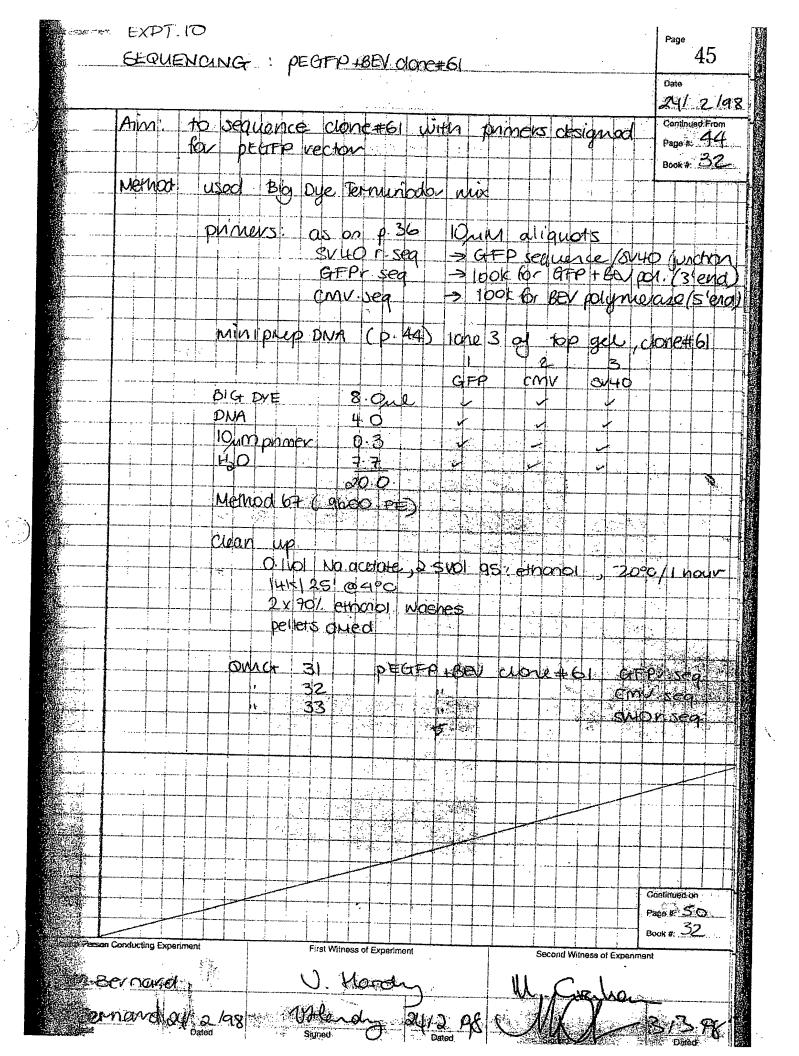
Page 10	Title of Experiment EXPT. Shows	
40	NEW CLONING: PEGFP + BEV (clone#4 of PCP2 HBEV)	
18/2 /98		
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Page #	Aim: to use PCR21 +BEV done#4 to use into perio	
Book#:	results from p.30 suggest clone #4 doesn't in	
	any mutations in the BEV-1 primer region whereas clones #1 and #3 have mutations	
	whereas clones #1 and #3 have mutations	
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·	70% ethanol wash stressepended in 2014 to 10	
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	3 PECTE BIN 1891 (22 98) (U. 1) + SAP (26.199) Incl	
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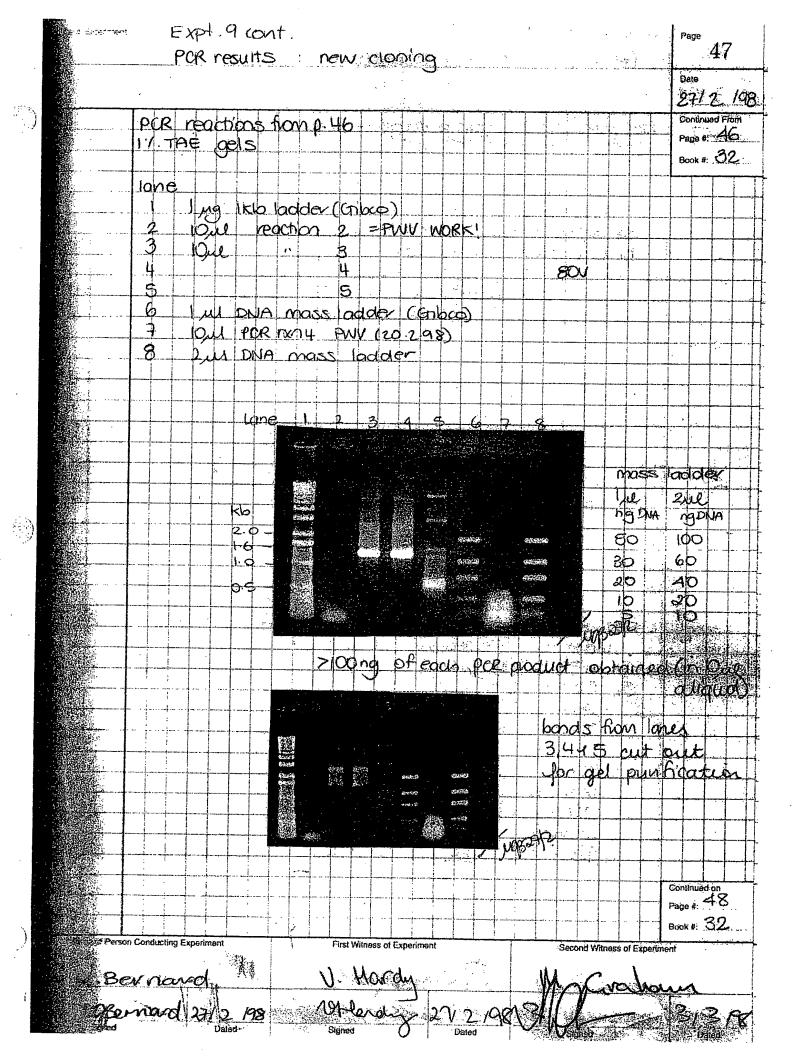


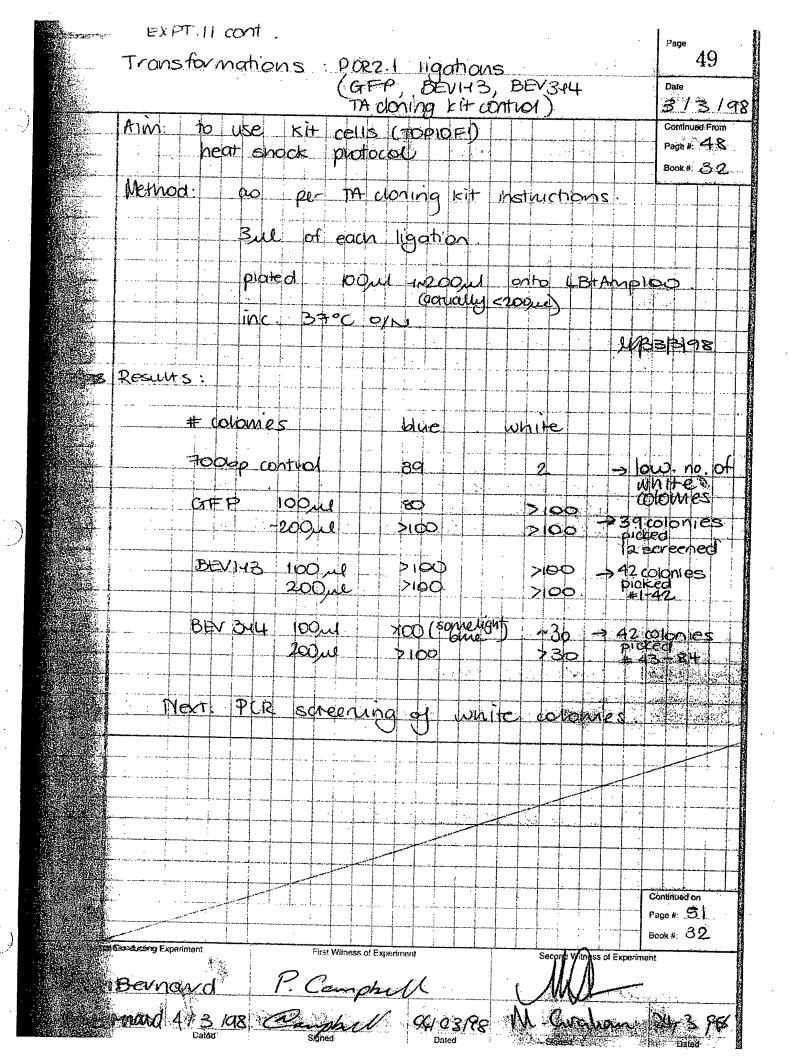


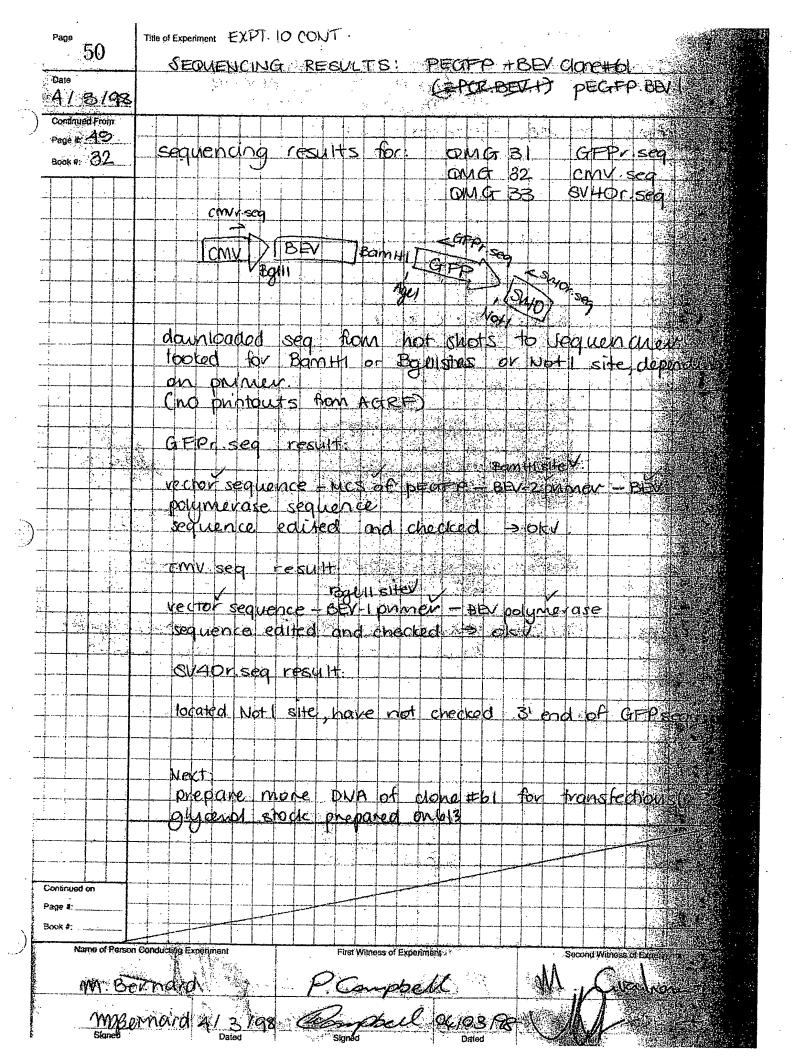


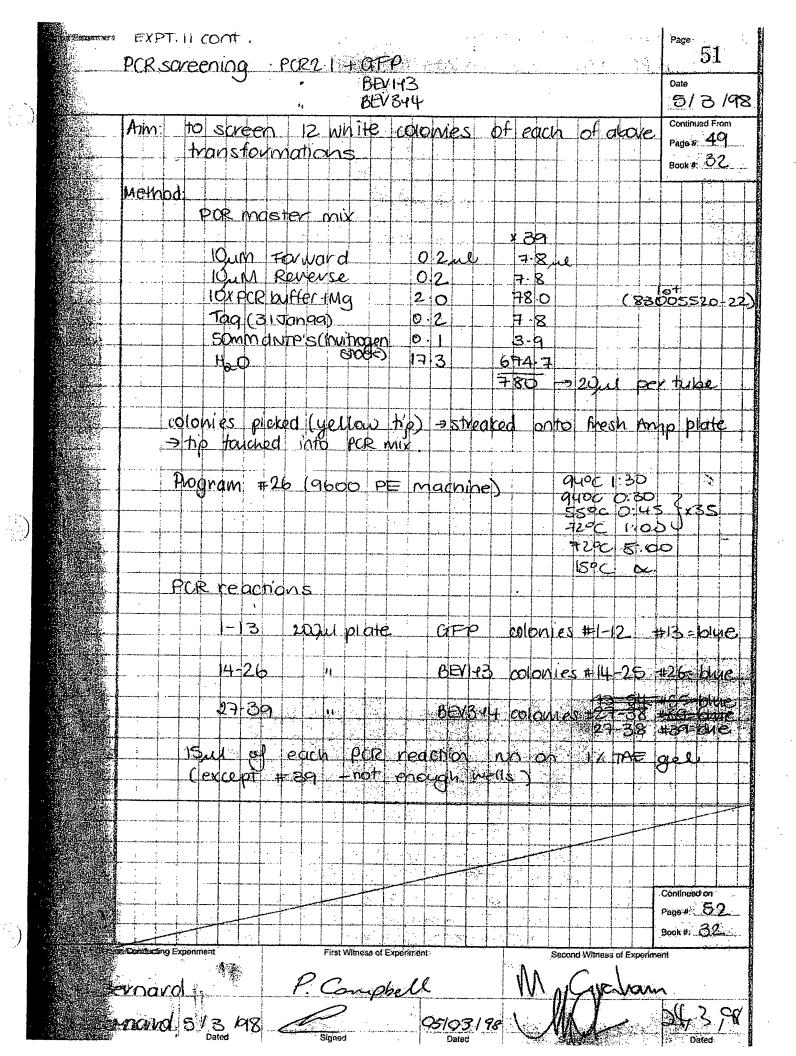


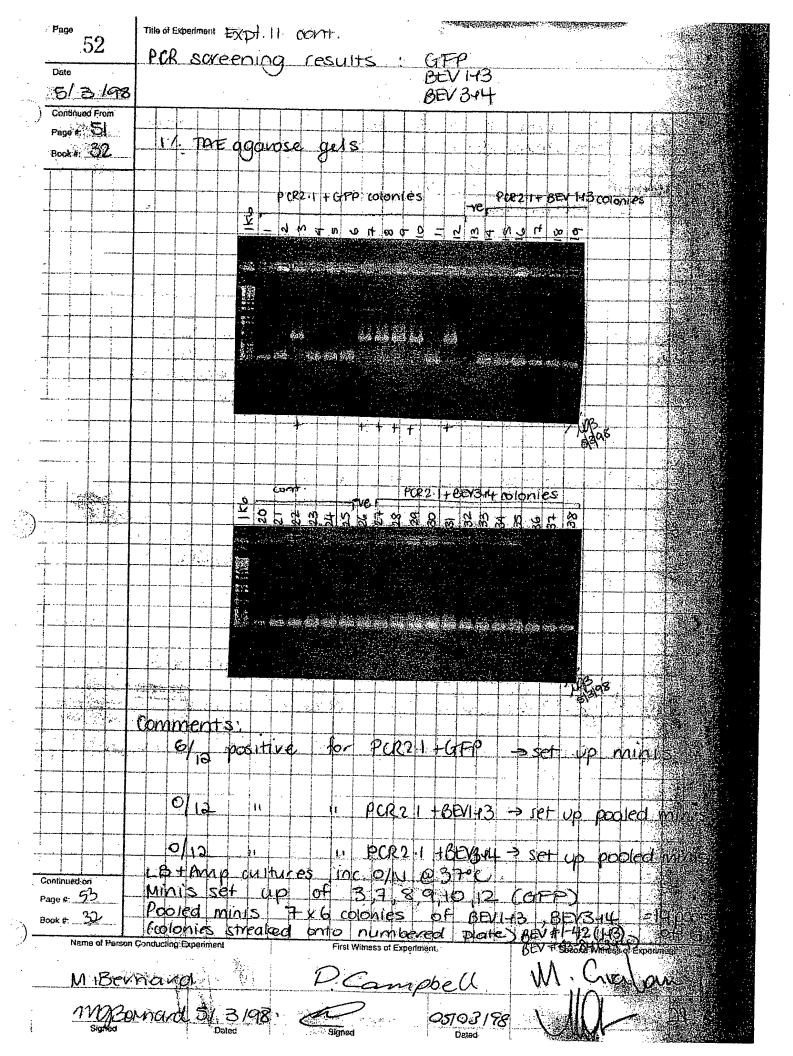
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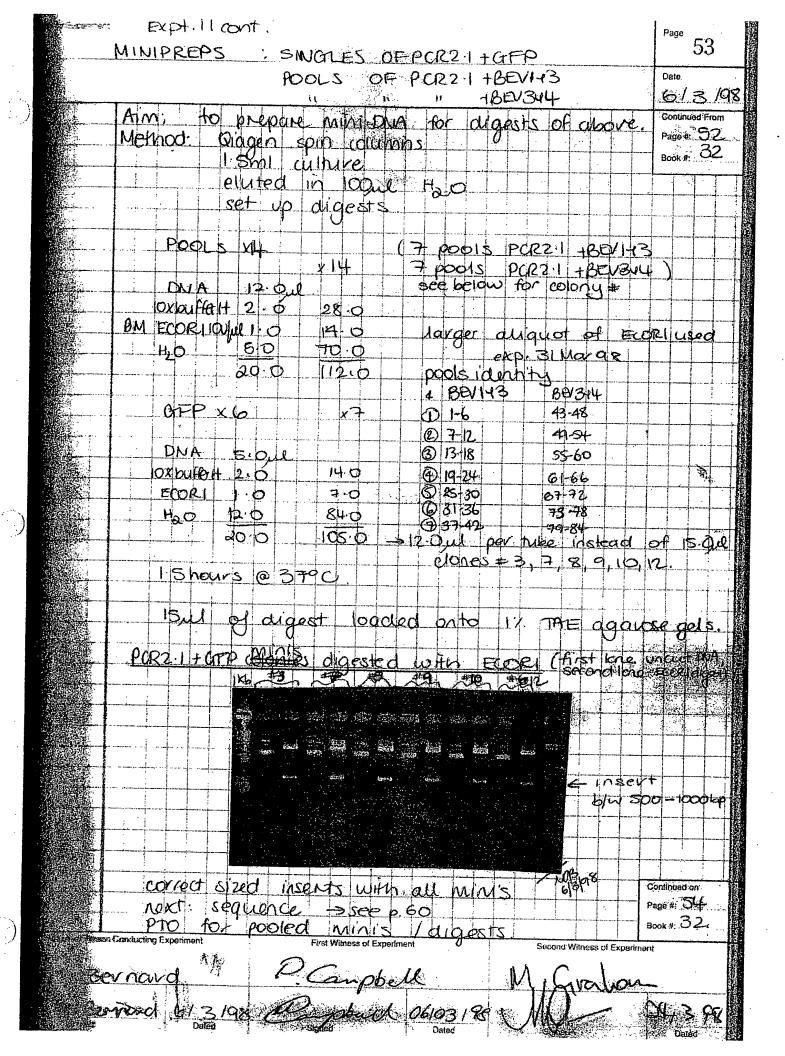


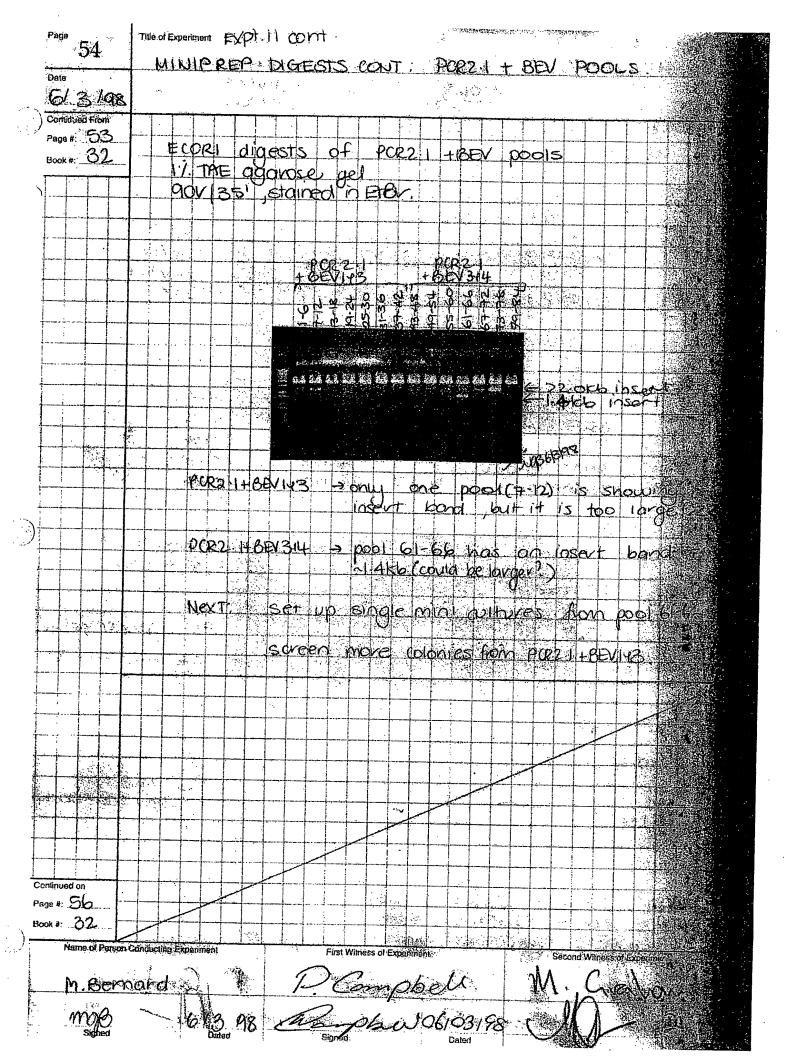


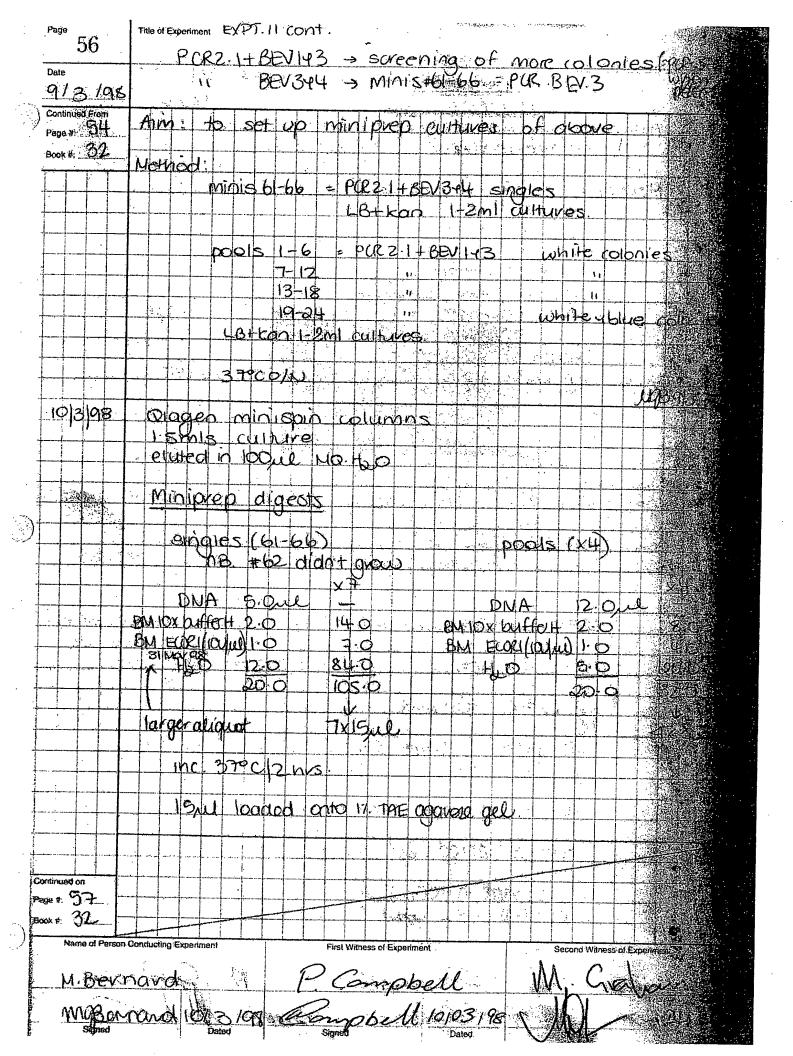


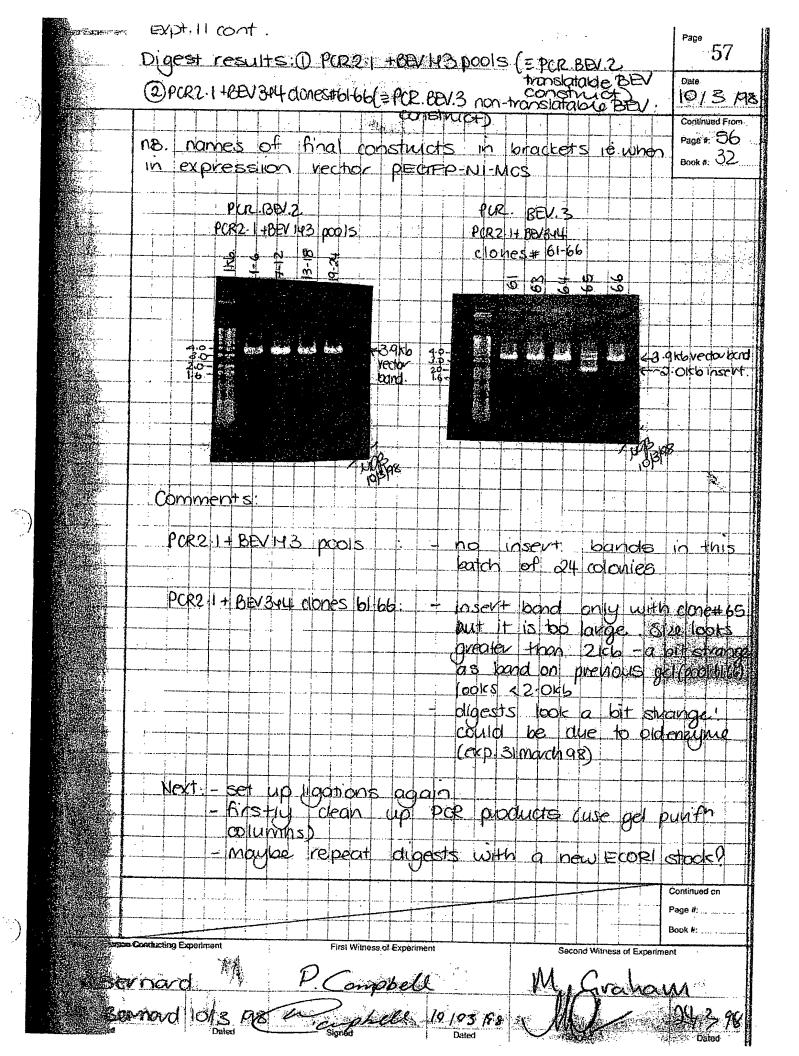


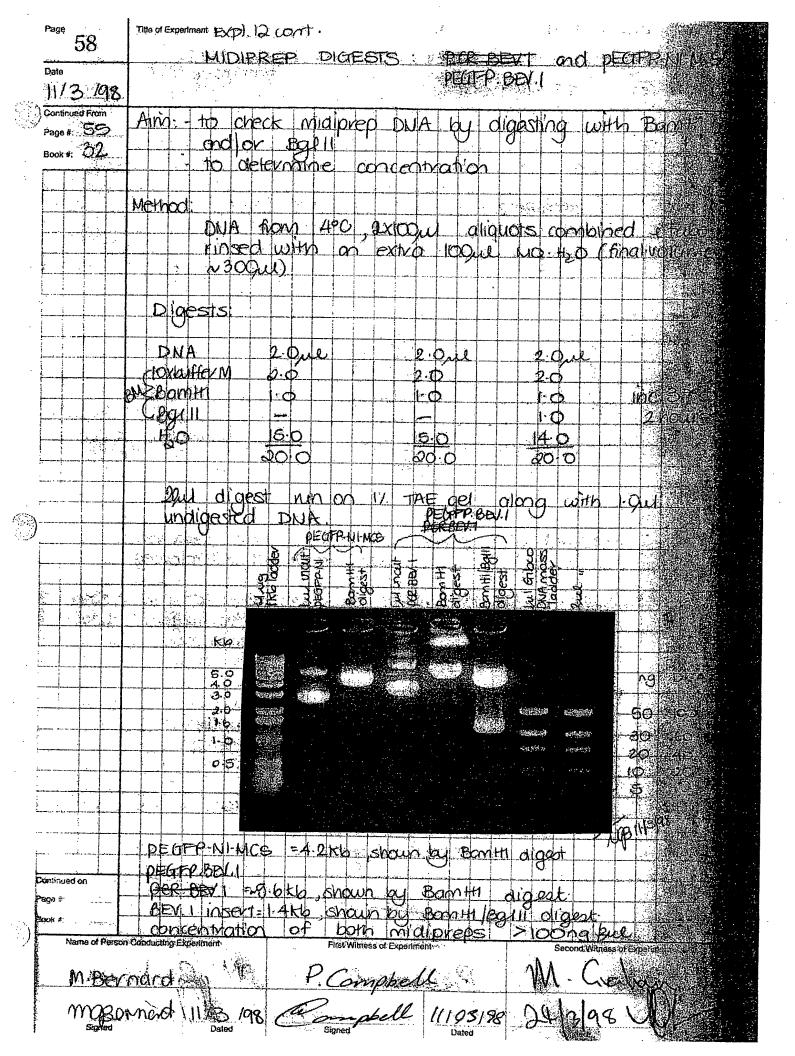


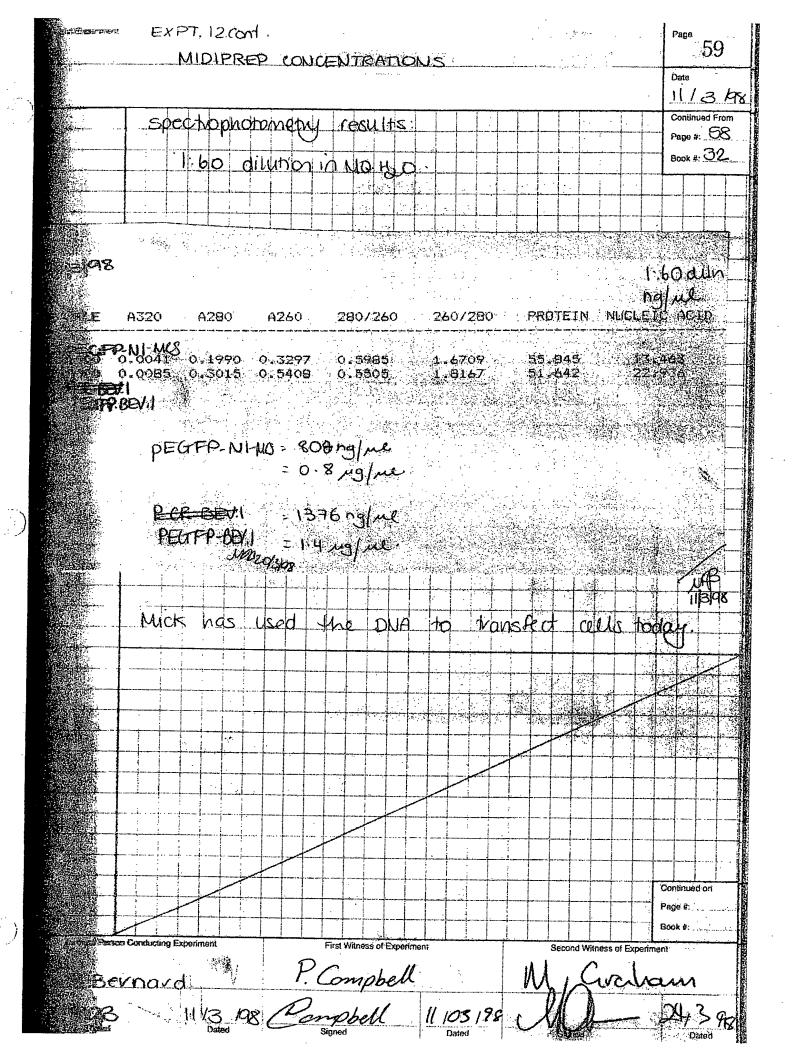




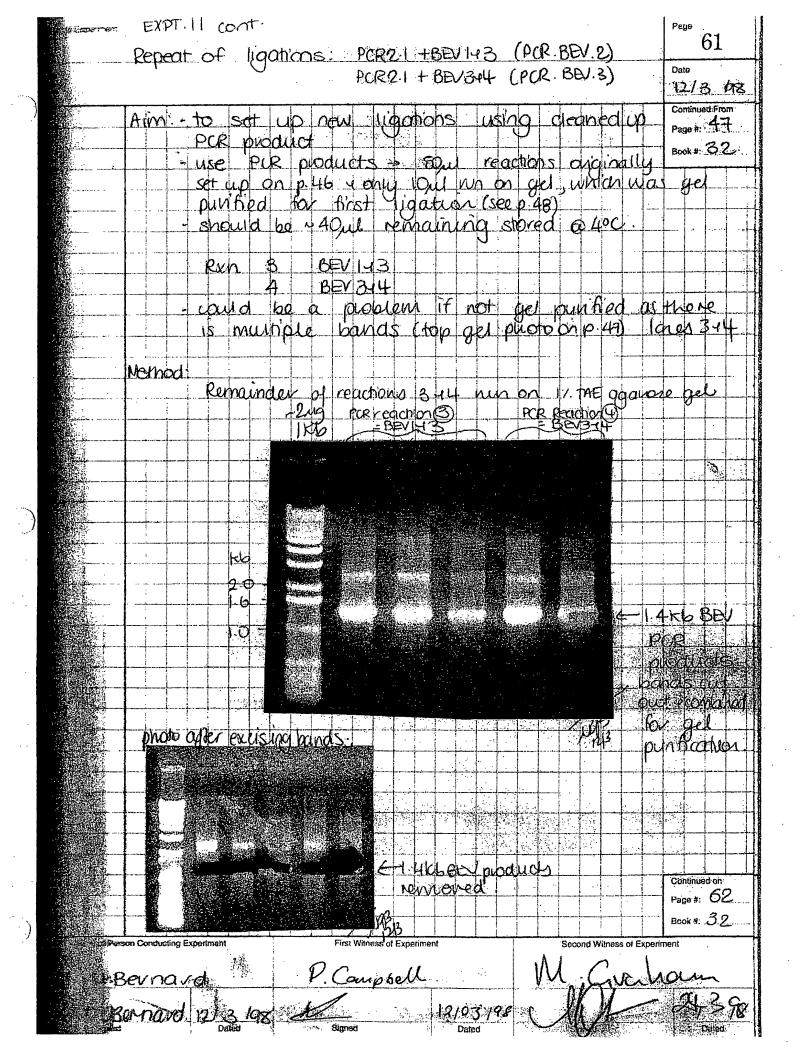








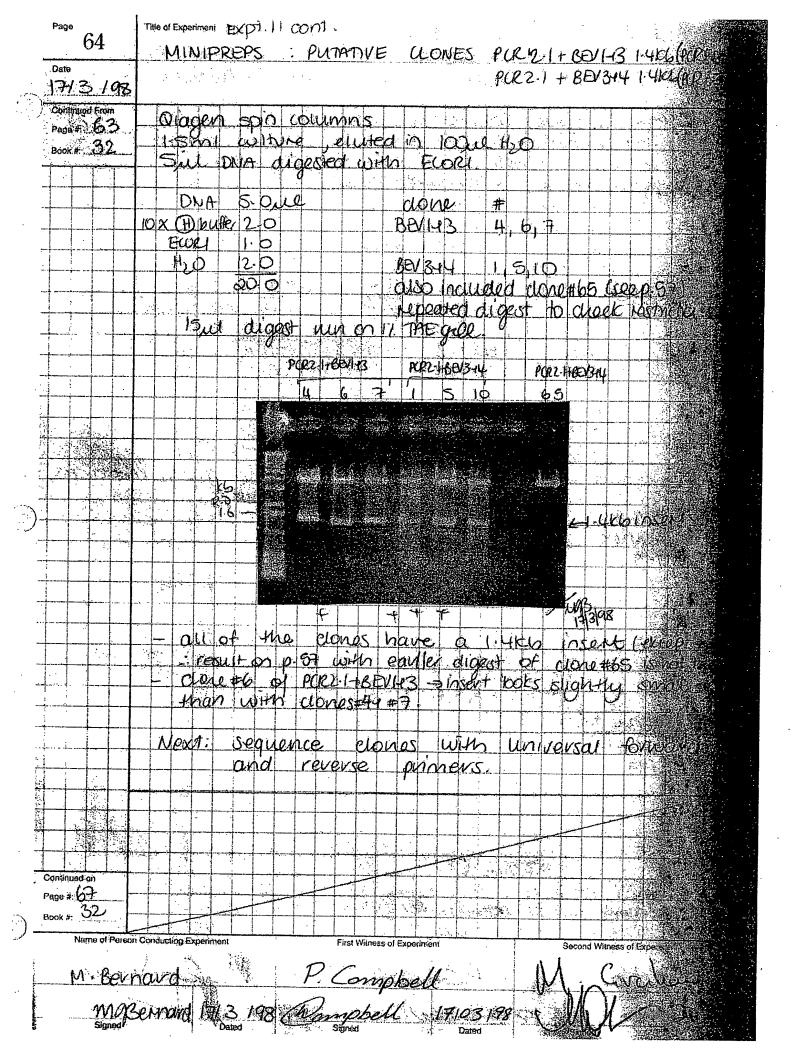
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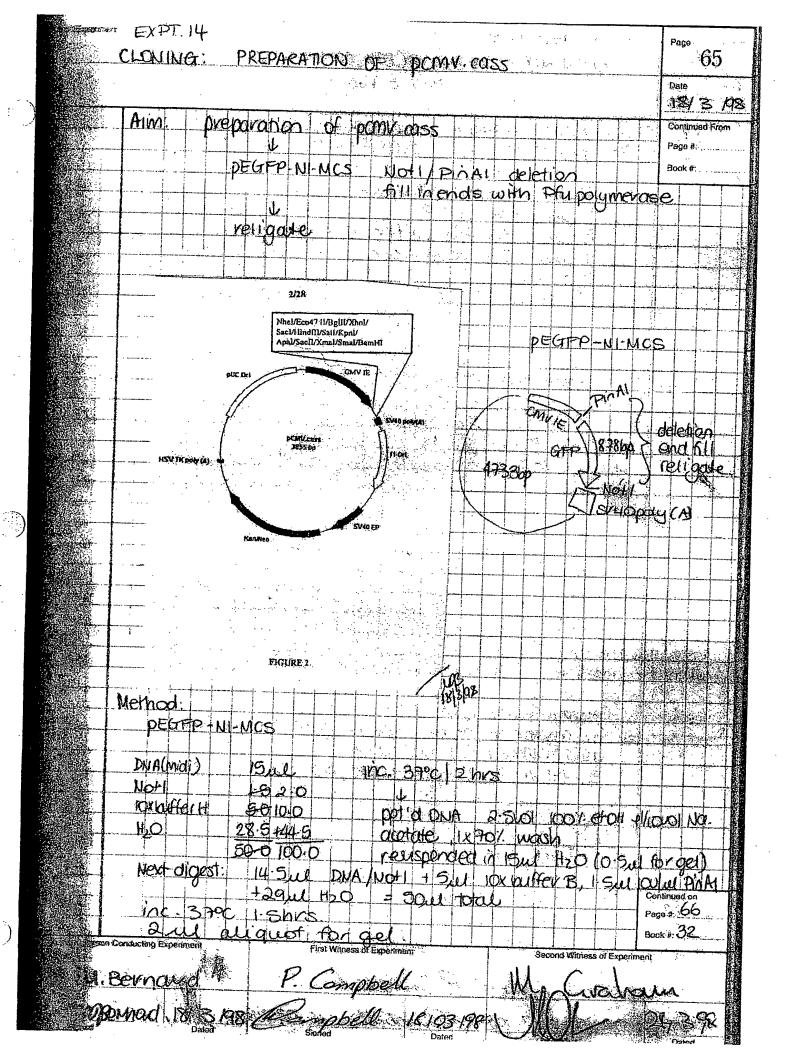


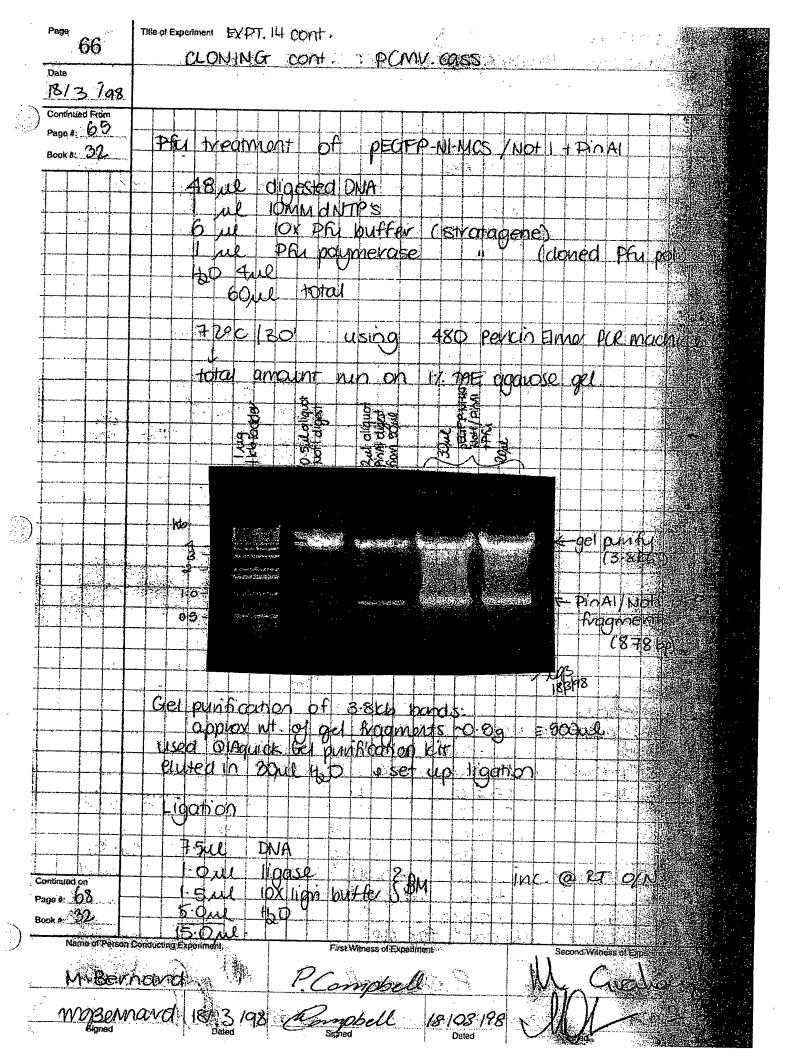
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Page 68	Title of Experiment EXPT. 14		
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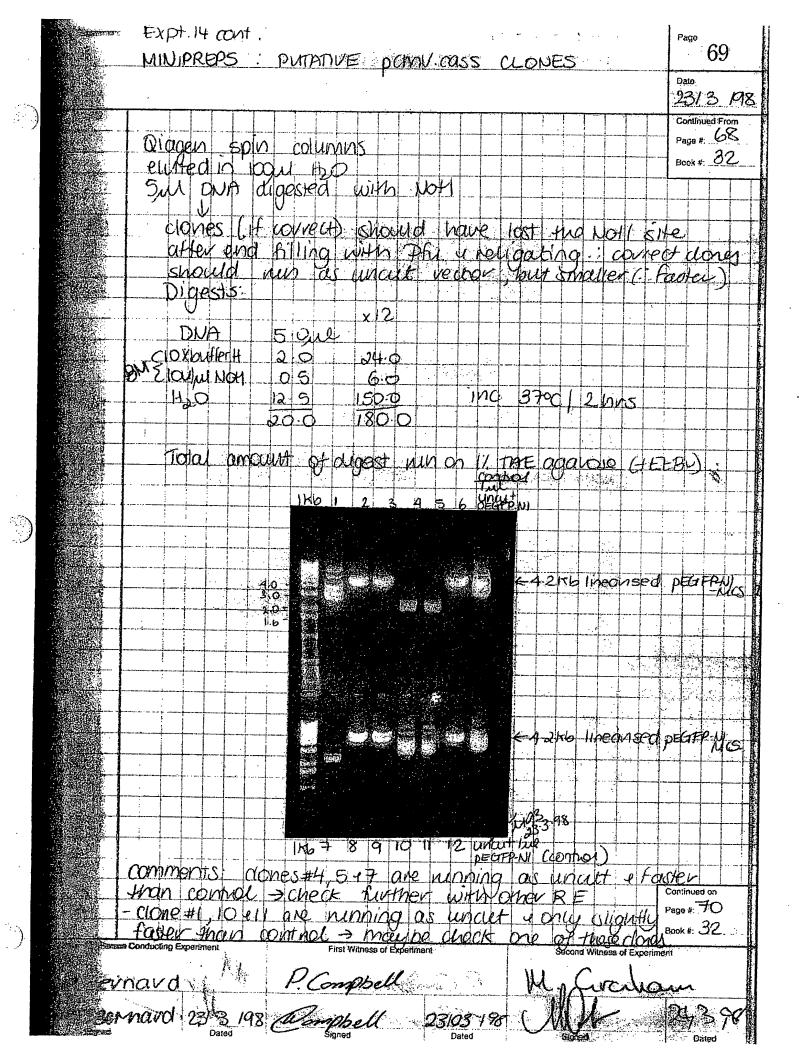
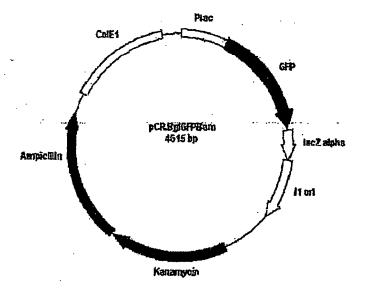
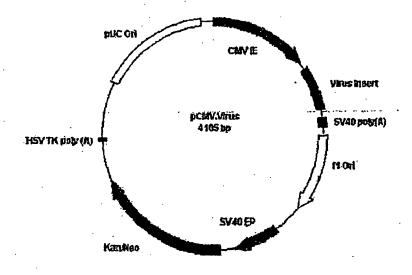


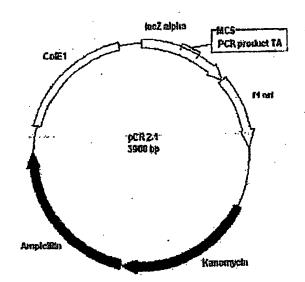
EXHIBIT 8



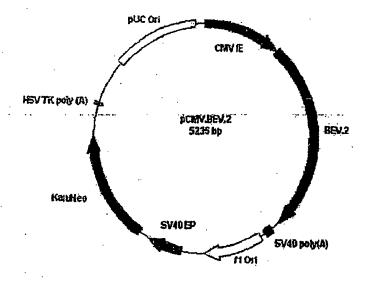
Author: Date: Notes: PBG40LBA-PLA Created 21/01/1998



Author: Date: Notes: PCMV_VIR. PLA Geated 21/01/1998



Author: Date: Notos: PCR2-1 PLA Created 21/01/1998



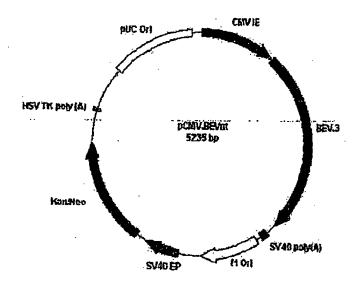
Author:

Date

Notes

PCHUBEUZ PLA

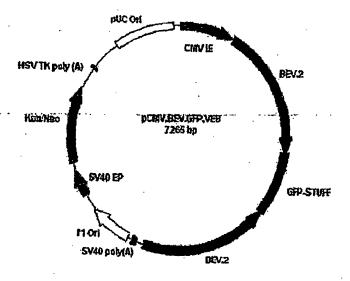
created 22/01/1992



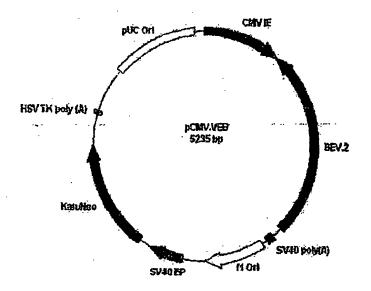
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Author Date:

PUNBEV3. PLA created 24/01/1998



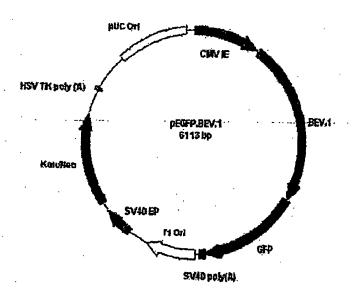
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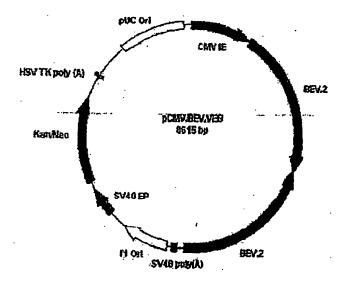
Author: Date:

Vate: Notes: PCMVVEB2. PLA

Created 22/01/1998

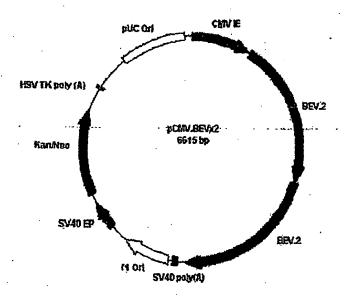


PEGFPBEV. PLA (1201/1998

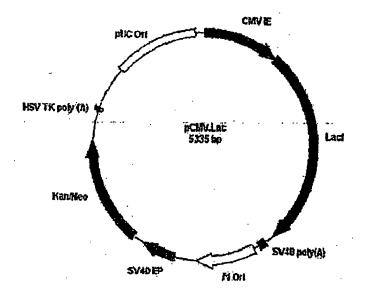


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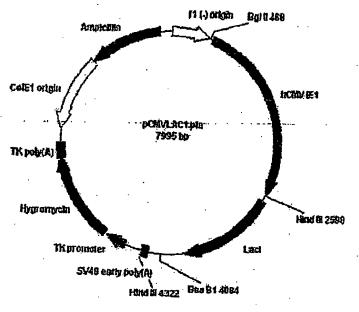


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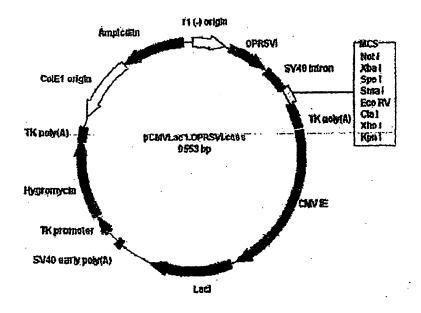


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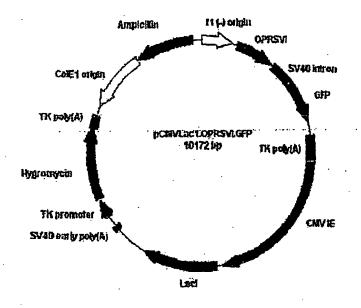
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PCMULACI. P/A created 25/02/1998

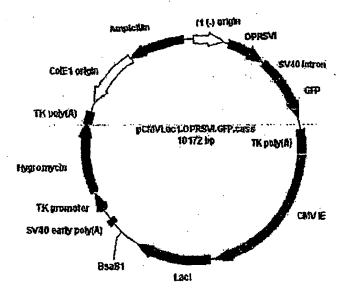


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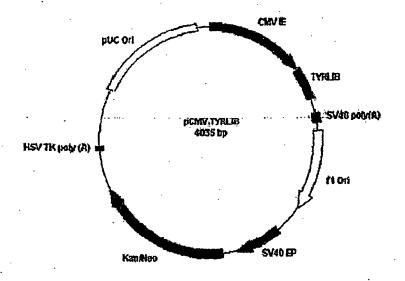


CMOPRGEP. PLA

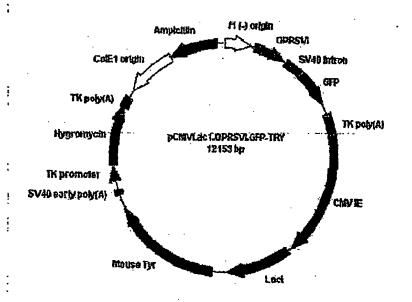
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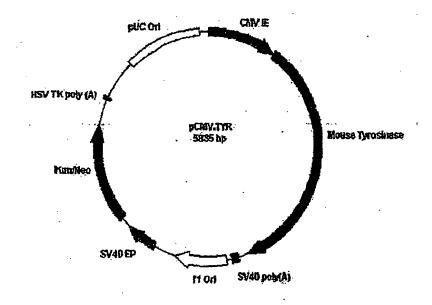
CMOPRGFP. CAS created 27/02/1998



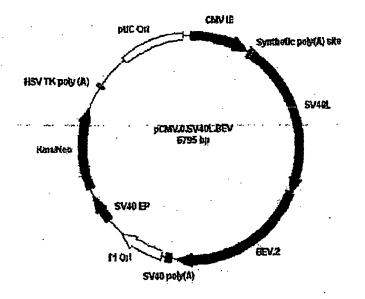
CMUTRYLI. PLA Crectal 27/02/1998



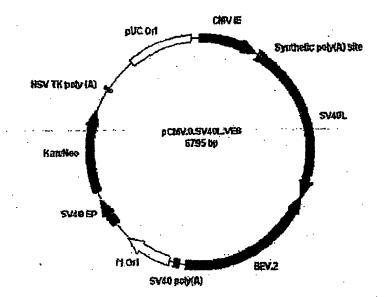
CMOPRGFT. PLA Created 27/02/1998



CMVTRY PLA Created 2/03/1998



File 05 V 40 BE pla Created 5/03/1998

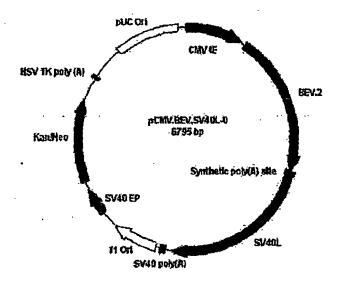


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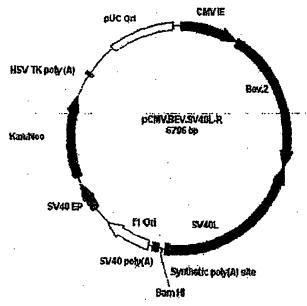
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OSV40VEB. P/a Created 5/03/1998

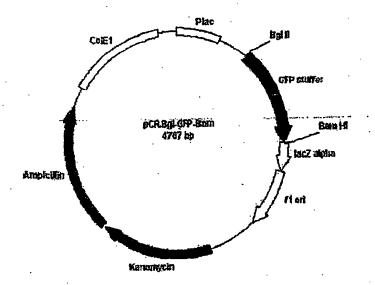


BE_540_0. Pla Created 5/03/1998

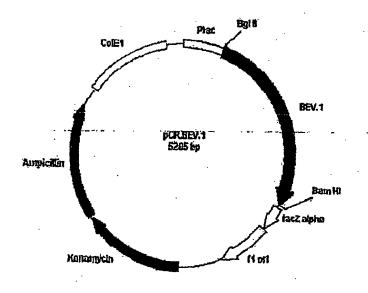


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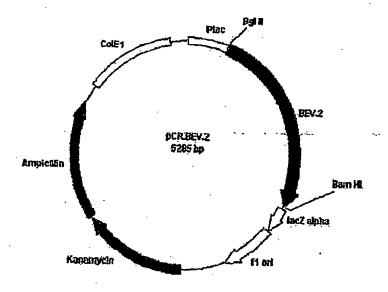
CMBEV 40 R. PLA Created 5/03/1998



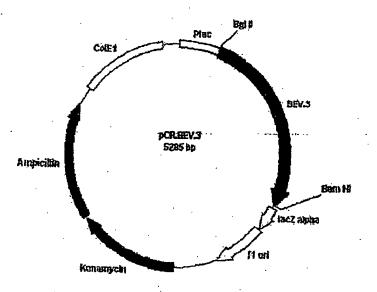
PCBGFPBA. PLA creetal 5/03/1998



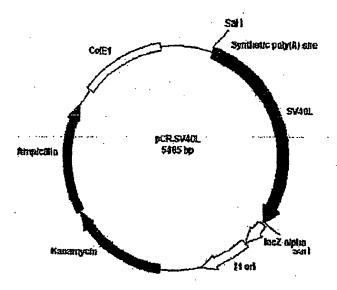
PLR_BEV1. PLA creeted 5/03/1998



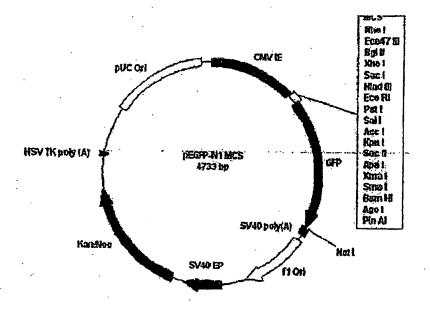
PCR_BEUZ. PLA Created 5/03/1998



PCR_BEV3.PLA created 5/03/1998



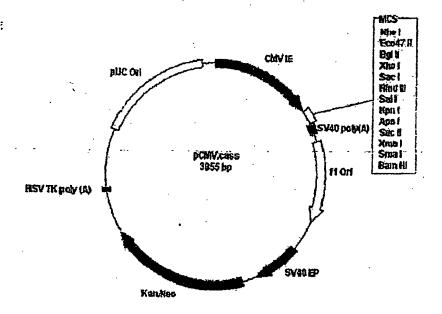
PCRSV40L. PLA created 5/03/1998



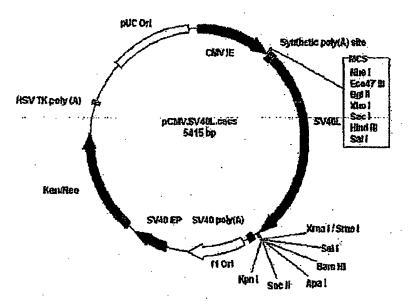
Author Robert-Rice Date: 22/1/98 Notes:

Expression casseds: pEGFP-N1MCS; A commercially obtained vector (CLONTECH) from which most expression constructs are be derived.

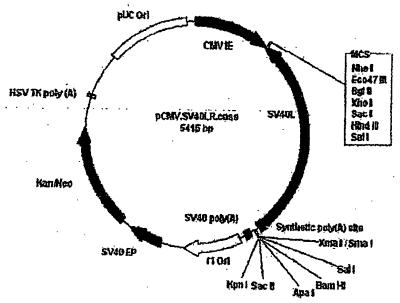
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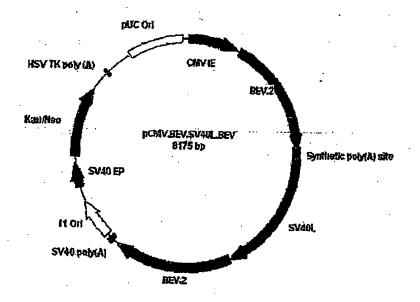
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PCMU SUGO. CAS Cechel 6/03/1998



PCMUSU4R.CAS Greated 6/03/1998

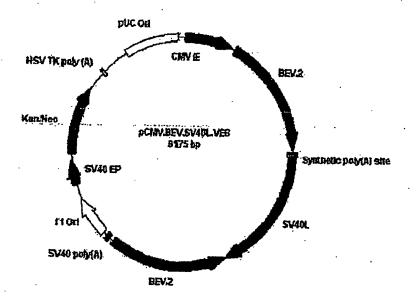


Author:

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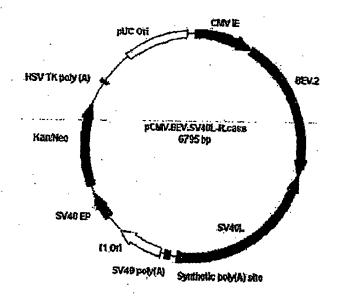
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BEUSUBEU. PlA Crantal 6/03/1998



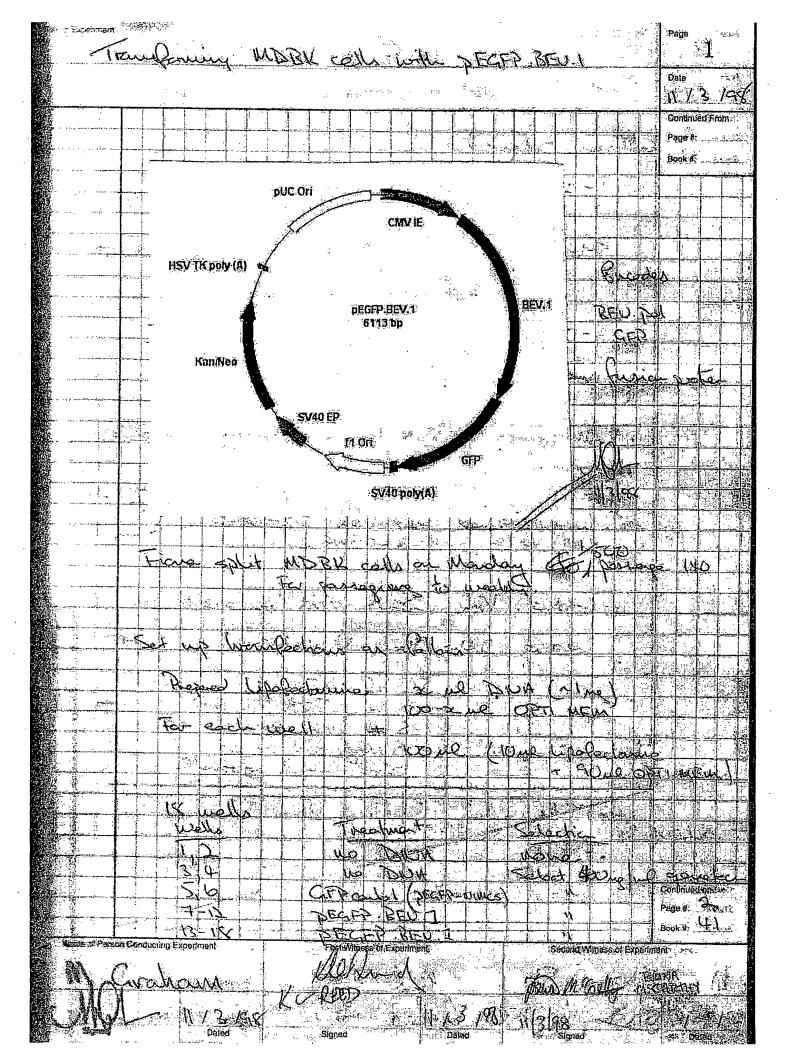
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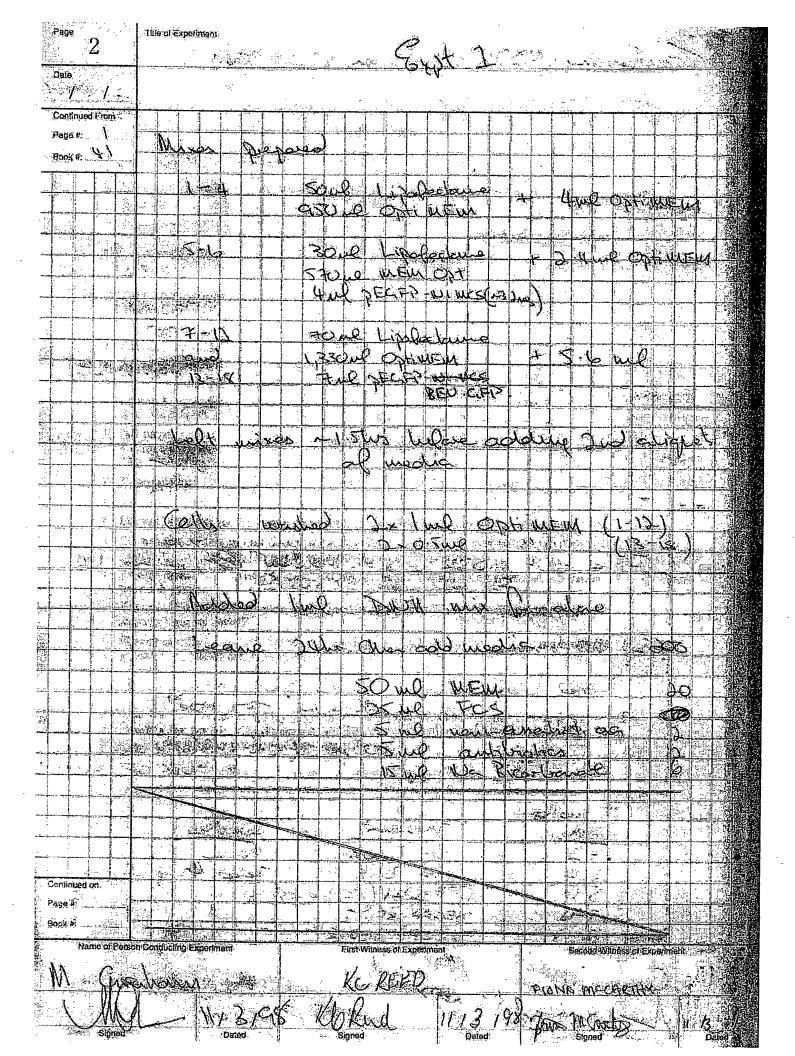
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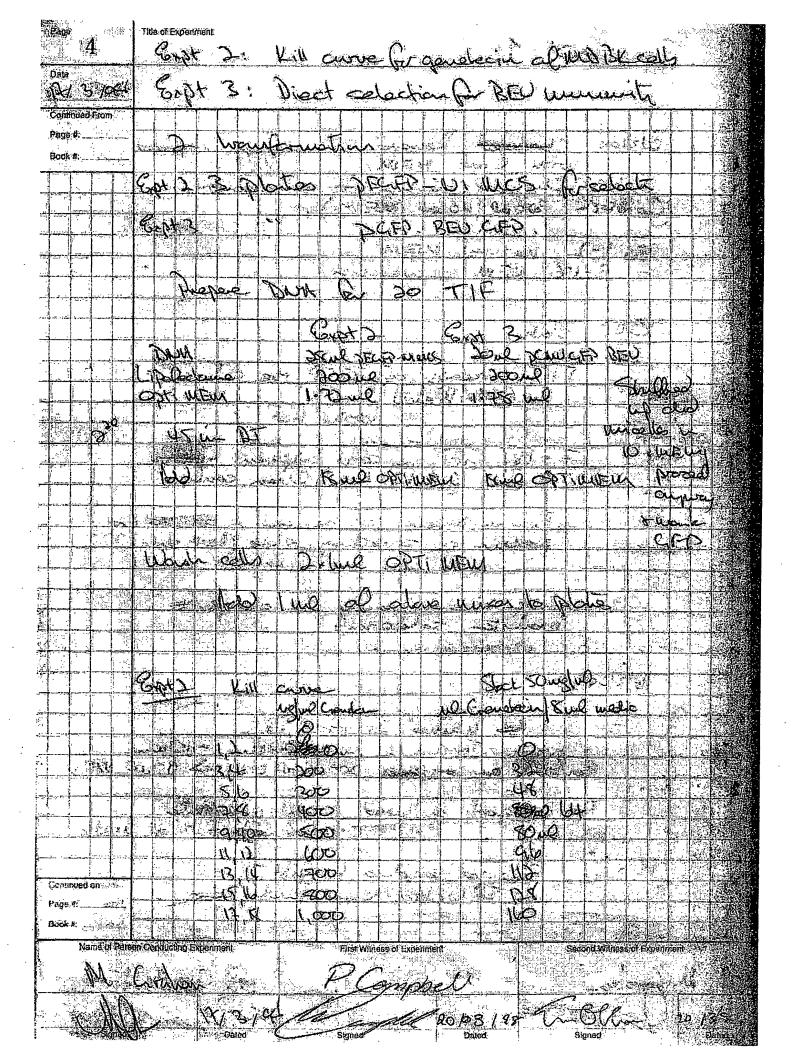
CMBESV4R. PIA Created 6/03/1998

EXHIBIT 9





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rotaemen ****** Page Date 20/ 2 Ag Continued From 3 24570 560mg JOUR saint had , Kill Îv<u>a</u> 14 × 15 × ...ن النام 45 Name of Person Conducting Experiment First Wilnese of Experiment M. Graham Compbell Signed Law, Obide 201031 88